

MINUTES
ZONING BOARD OF APPEALS
March 16, 2022

MEMBERS PRESENT: DAN SULLIVAN, CHAIRMAN
PATRICIA CASTELLI
MICHAEL BOSCO
THOMAS QUINN
ROBERT BONOMOLO, JR.
BILLY VALENTINE

ABSENT: NONE

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:

DATA CONTROL ONE LLC
117 Tweed Boulevard
Nyack, New York
71.17 / 1 / 20; R-22 zone

FRONT YARD, SIDE
YARD AND TOTAL SIDE
YARD VARIANCES APPROVED

ZBA#22-18

O'BRIEN
173 West Washington Avenue
Pearl River, New York
68.15 / 3 / 29; RG zone

REAR YARD VARAINCE
APPROVED

ZBA#22-19

CALABRIA/SIDE PORCH
479 Western Highway
Blauvelt, New York
74.06/ 3 / 4; R-15 zone

CONTINUED

ZBA#22-20

JARABELO
213 South Main Street
Pearl River, New York
72.08 / 1 / 15; RG zone

SIDE YARD AND TOTAL
SIDE YARD VARIANCES APPROVED
UNDERSIZE LOT ACKNOWLEDGED

ZBA#22-21

TOWN OF ORANGETOWN
2022 MAR 24 A 9:41
TOWN CLERK'S OFFICE

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: WPT Acquisitions Site Plan, 518 Route 303, and 13 & 21 Mountainview Avenue, Orangeburg, NY 74.07 / 1 / 2 & 33 & 36; CC, LI & LO zone; Orangeburg Shopping Center- Dunkin Donut Pad Site Plan, Orangeburg Shopping Center, Orangeburg Road and Dutch Hill Road, Orangeburg, NY 74.10 / 1 / 67; CS zoning district; and FURTHER RESOLVED, to request to be notified by the Planning Board of SEQRA proceedings

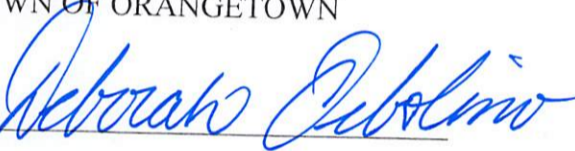
THE DECISIONS RELATED TO THE ABOVE HEARINGS are inserted herein and made part of these minutes.

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 8:30 P.M.

Dated: March 16, 2022

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

TOWN OF ORANGETOWN
2022 MAR 24 A 9 41
TOWN CLERK'S OFFICE

FRONT YARD, SIDE YARD AND TOTAL SIDE YARD VARIANCES APPROVED

To: Jay H. Reichgott (Data Control One LLC)
121 Laurel Road
Tuxedo, New York 10987

ZBA #22- 18
Date: March 16, 2022
Permit # 51867

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#22-18: Application of Data Control One LLC for variances from Zoning Code (Chapter 43) of the Town of Orangetown Code, R-22 District, Group I, Columns 8 (Front Yard: 40' required, 11.5' & 12.3' existing), 9 (Side Yard: 25' required, 19' existing) and 10 (Total Side Yard: 60' required, 55' existing) for existing decks at an existing single-family residence. The property is located at 117 Tweed Boulevard, Nyack, New York and is identified on the Orangetown Tax Map as Section 71.17, Block 1, Lot 20; in the R-22 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a Hearing held on Wednesday, March 16, 2022 at which time the Board made the determination hereinafter set forth.

Jay Reichgott, Engineer. appeared and testified.

The following documents were presented:

1. Plans labeled "117 Tweed boulevard Rear Deck Additions Upper Grandview, New York" dated October 10, 2019 signed and sealed by Jay H. Reichgott, P.E., (5 pages).
2. Site plan labeled " A new residence for Sidney Schwartz by Michael Esmay, Architect.
3. Survey dated 9/30/2021 signed and sealed by Jay H. Reichgott, P.E.
4. An entity disclosure form dated 3/16/2022.
5. A sign off letter from the Rockland County Highway Department dated 01/27/ 2022 from Dyan Rajashingham, P.E..
6. A letter dated March 9, 2022 from Rockland County Department of Planning signed by Douglas J. Schuetz, Acting Commissioner of Planning.
7. A letter dated March 10, 2022 from Rockland County Sewer District No.1 signed by Joseph LaFiandra, Engineer II.

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 since the Planning Board noticed its intent to declare itself Lead Agency and distributed that notice of intention to all Involved Agencies, including the ZBA who consented or did not object to the Planning Board acting as Lead Agency for these applications, pursuant to coordinated review under the State Environmental Quality Review Act Regulations § 617.6 (b)(3); and since the Planning conducted SEQRA reviews and, on January 12, 2022 (as set forth in PB# 22-04) rendered environmental determinations of no significant adverse environmental impacts to result from the proposed land use actions (i.e. a "Negative Declarations" of "Neg Dec."), the ZBA is bound by the Planning Board's Neg Dec and the ZBA cannot require further SEQRA review pursuant to SEQRA Regulations § 617.6 (b)(3). The motion was seconded by Ms. Castelli and carried as follows: Mr. Quinn, aye; Mr. Quinn, aye; Ms. Castelli, aye; Mr. Sullivan, aye; Mr. Bosco, aye and Mr. Bonomolo, aye.

TOWN CLERK'S OFFICE
2022 MAR 24 A 9 41
TOWN OF ORANGETOWN

Jay Reichgott, Engineer for the applicant, testified that the house was built in 1984 or 85; that like many houses on Tweed Boulevard it has reverse living; that the applicant constructed decks in 2010 and 2011 to better enjoy their property, however they built them without permits; that they are getting ready to sell the house and they need to legalize the decks; that they already went to Planning Board because they are in a critical environmental area; and they received an approval with the condition that they get the necessary variances from this Board; that the house was granted a 1' front yard variance but the new survey shows a 2' front 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.

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, side yard and total side yard variances will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. Similar decks have been constructed in the neighborhood. The properties in this area are so steep, that in order to enjoy any outdoor space, a deck would need to be constructed.
2. The requested front yard, side yard, and total side yard variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. Similar decks have been constructed in the neighborhood. The properties in this area are so steep, that in order to enjoy any outdoor space, a deck would need to be constructed.
3. The benefits sought by the applicant cannot be achieved by other means feasible for the applicant to pursue other than by obtaining variances.
4. The requested front yard, side yard and total side yard variances 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. Similar decks have been constructed in the neighborhood. The properties in this area are so steep, that in order to enjoy any outdoor space, a deck would need to be constructed.

TOWN OF ORANGETOWN
2022 MAR 24 A 9:41
TOWN CLERK'S OFFICE

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.

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

General Conditions:

- (i) The approval of any variance or Special Permit is granted by the Board in accordance with and subject to those facts shown on the plans submitted and, if applicable, as amended at or prior to this hearing, as hereinabove recited or set forth.
- (ii) Any approval of a variance or Special Permit by the Board is limited to the specific variance or Special Permit requested but only to the extent such approval is granted herein and subject to those conditions, if any, upon which such approval was conditioned which are hereinbefore set forth.
- (iii) The Board gives no approval of any building plans, including, without limitation, the accuracy and structural integrity thereof, of the applicant, but same have been submitted to the Board solely for informational and verification purposes relative to any variances being requested.
- (iv) A building permit as well as any other necessary permits must be obtained within a reasonable period of time following the filing of this decision and prior to undertaking any construction contemplated in this decision. To the extent any variance or Special Permit granted herein is subject to any conditions, the building department shall not be obligated to issue any necessary permits where any such condition imposed should, in the sole judgment of the building department, be first complied with as contemplated hereunder. Occupancy will not be made until, and unless, a Certificate of Occupancy is issued by the Office of Building, Zoning and Planning Administration and Enforcement which legally permits such occupancy.
- (v) Any foregoing variance or Special Permit will lapse if any contemplated construction of the project or any use for which the variance or Special Permit is granted is not substantially implemented within one year of the date of filing of this decision or that of any other board of the Town of Orangetown granting any required final approval to such project, whichever is later, but in any event within two years of the filing of this decision. Merely obtaining a Building Permit with respect to construction or a Certificate of Occupancy with respect to use does not constitute "substantial implementation" for the purposes hereof.

TOWN CLERK'S OFFICE
2022 MAR 24 A 9:42
TOWN OF ORANGETOWN

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

The Administrative Aide to the Board is hereby authorized, directed and empowered to sign this decision and file a certified copy thereof in the office of the Town Clerk.

DATED: March 16, 2022

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

TOWN OF ORANGETOWN
2022 MAR 24 A 9:42
TOWN CLERK'S OFFICE

REARD YARD VARIANCE APPROVED

To: Gregg Smith (O'Brien)
6 Redwood Court
Pearl River, New York 10965

ZBA #22-19
Date: March 16, 2022
Permit #BLDR-320-21

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#22-19: Application of Eric and Kathleen O'Brien for a variance from Zoning Code (Chapter 43) of the Town of Orangetown Code, RG District, Section 3.12, Group M, Column 9 (Rear Yard: 25' required, 21.8' proposed) for an addition to an existing single-family residence. The property is located at 173 West Washington Avenue, Pearl River, New York and are identified on the Orangetown Tax Map as Section 68.15, Block 3, Lot 29 in the RG zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a Hearing held on Wednesday, March 16, 2022 at which time the Board made the determination hereinafter set forth.

Eric and Kathleen O'Brien appeared and testified.

The following documents were presented:

1. Plans labeled "O'Brien Residence One-Story Addition" dated August 27, 2021 signed and sealed by Harold J. Goldstein, Architect. (2 pages).
2. Survey dated April 20, 2009 signed by William E. James P.E. & P.L.S.
3. A letter dated February 11, 2022 from Rockland County Highway Department signed by Dyan Rajasingham, Engineer III.
4. A letter dated March 2, 2022 from the Rockland County Department of Planning signed by Douglas J. Schuetz, Acting Commissioner of Planning.
5. A letter dated February 11, 2022 from the Rockland County Highway Department signed by Dyan Rajasingham, Engineer III.
6. A letter dated March 11, 2022 from Rockland County Center for Environmental Health signed by Elizabeth Mello, P.E., Senior Public Health Engineer.
7. A letter dated March 10, 2022 from Rockland County Sewer District No.1 signed by Joseph LaFiandra, Engineer II.
8. A letter in support of the application signed by two neighbors.

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 Ms. Castelli and carried as follows: Mr. Bosco, aye; Mr. Sullivan, aye; Mr. Bonomolo, aye; Ms. Castelli, aye; and Mr. Quinn, aye.

Eric O'Brien testified that he and his wife Kathleen purchased their house in 2009 when they were expecting their first child; that since then they have been blessed with a second child; that they have made the two bedroom ranch work but the kids are getting older and need to have their

TOWN CLERK'S OFFICE
2022 MAR 24 A 9:42
TOWN OF ORANGETOWN

own space; that they are hoping to expand into the rear yard and add two bedrooms and an exist to the backyard; that they did have an older detached garage that they removed from the property and they are thinking long term that they will be able to grow old in this ranch house.

Kathleen O'Brien testified that they love their neighbors and do not want to move; that it is a lovely neighborhood and they love the schools and want to stay here because of the relationships that they have built.

Public Comment:

James Doyle, 55 Lincoln Avenue, testified that he supports the application, that the O'Brien's are great neighbors; that they have two really nice kids; that they live directly across the street and hope the Board grants the variance so that they get to stay in the neighborhood.

Peggy Roach, 55 Lincoln Avenue, testified that it is a really great block and they don't want to lose the O'Brien family from the neighborhood and that she hopes the Board grants the variance to allow the family more space in their home.

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 rear yard 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 rear yard 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 rear yard 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.

TOWN OF ORANGETOWN
2022 MAR 24 A 9:42
TOWN CLERK'S OFFICE

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.

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.

TOWN CLERK'S OFFICE

2022 MAR 24 A 9:42

TOWN OF ORANGETOWN

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

The Administrative Aide to the Board is hereby authorized, directed and empowered to sign this decision and file a certified copy thereof in the office of the Town Clerk.

DATED: March 16, 2022

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

TOWN OF ORANGETOWN
2022 MAR 24 A 9:42
TOWN CLERK'S OFFICE

SIDE YARD AND TOTAL SIDE YARD VARIANCES APPROVED

To: Lara Jarabelo
213 South Main Street
Pearl River, New York 10965

ZBA #22-21
Date: March 16, 2022
Permit #BLDR-133-2021

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#22-21: Application of Lora Jarabelo for variances from Zoning Code (Chapter 43) of the Town of Orangetown Code, RG District, Group Q, Section 3.12 Columns 9 (Side Yard: 10' required, 6.8' and 5.7' proposed) and 10 (Total Side Yard: 20' required, 13.7' proposed) (Section 5.21(d) undersized lot applies) for the addition of a deck to an existing single-family residence. The premises are located at 213 South Main Street, Pearl River, New York and is identified on the Orangetown Tax Map as Section 72.08, Block 1, Lot 15 in the RG zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a Hearing held on Wednesday, March 16, 2022 at which time the Board made the determination hereinafter set forth.

Lara Jarabelo and John Ferraro, Architect, appeared and testified.

The following documents were presented:

1. Plans labeled "Jarabelo Residence Rear Deck" dated November 8, 2021 signed and sealed by John Anthony Ferraro, Architect. (5 pages).
2. Survey for Lora Jarabelo dated October 28, 2021 signed and sealed by Robert E. Sorace.

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 Ms. Castelli and carried as follows: Mr. Bosco, aye; Mr. Sullivan, aye; Mr. Quinn, aye; Mr. Bonomolo, aye; and Ms. Castelli, aye.

John Ferraro, Architect, testified that the deck is existing; that Lara purchased the house in 2021 with the deck and during the title search it came up that the deck did not have a certificate of occupancy and they are before the Board to remedy the situation.

Lara Jarabelo testified that she did not build the deck; that the previous owner of the house only owned the house for two years and said they did not build the deck; that it was found during the title search and she would like to legalize it.

Public Comment:

No public comment.

TOWN OF ORANGETOWN
2022 MAR 24 A 9:42
TOWN CLERK'S OFFICE

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 side yard and total side yard variances will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The Board acknowledged the undersized lot and noted that similar decks have been constructed in the neighborhood. The architect agreed to submit a revised / corrected bulk table.
2. The requested side yard and total side yard variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The Board acknowledged the undersized lot and noted that similar decks 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 side yard and total side yard variances 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 Board acknowledged the undersized lot and noted that similar decks have been constructed in the neighborhood.
5. The applicant purchased the property subject to Orangetown's Zoning Code (Chapter 43) and is proposing a new addition and/or improvements, so the alleged difficulty was self-created, which consideration was relevant to the decision of the Board of Appeals, but did not, by itself, preclude the granting of the area variances.

TOWN OF ORANGETOWN
2022 MAR 24 A 9:42
TOWN CLERK'S OFFICE

DECISION: In view of the foregoing and the testimony and documents presented, the Board RESOLVED that the application for the requested side yard and total side yard variances are APPROVED and 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.

TOWN OF ORANGETOWN
2022 MAR 24 A 9:42
TOWN CLERK'S OFFICE

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

The Administrative Aide to the Board is hereby authorized, directed and empowered to sign this decision and file a certified copy thereof in the office of the Town Clerk.

DATED: March 16, 2022

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

TOWN OF ORANGETOWN
TOWN CLERK'S OFFICE
2022 MAR 24 A 9:42