MINUTES
ZONING BOARD OF APPEALS
September 7, 2022

MEMBERS PRESENT:	DAN SULLIVAN, CHAIRMAN ROBERT BONOMOLO, JR. THOMAS QUINN BILLY VALENTINE	
ABSENT:	PATRICIA CASTELLI MICHAEL BOSCO	
ALSO PRESENT:	Deborah Arbolino, Denise Sullivan, Patrizia Beers,	Administrative Aide Deputy Town Attorney 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:		
ASAHI REFINING 875 Western Highway Blauvelt, New York 65.13 / 1 / 2; LO zone	FENCE HEIGHT AND NUMBER OF LOADING DOCK VARIANCES APPROVED	ZBA#22-51
ALBANESE 131 Martin Place Pearl River, New York 68.20 / 2 / 55; RG zone	CONTINUED	ZBA#22-52
MOMENTIVE PERFORMANCE 401 North Middletown Road Pearl River, New York 68.08 / 1 / 1; LI / LO zone	POSTPONED TILL NOVEMBER 16, 2022	ZBA#22-53
LUCZAJ 27 Wildwood Drive Pearl River, New York 69.17 / 4 / 39; R-15 zone	TOTAL SIDE YARD AND SECTION 9.34 VARIANCE APPROVED	ZBA#22-54
CASTILLO 46 Buchanan Street Pearl River, New York 68.14 / 3 / 33; R-15 zone	TOTAL SIDE YARD AND SECTION 9.34 VARIANCE APPROVED	ZBA#22-55

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 SEQR Regulations § 617.6 (b)(3) the following application: Holt-Fine Site Plan, 55 Glen Byron Avenue, South Nyack, NY 66.70 / 2 / 23; R-12 zone; K & P Paving Site Plan, 568 Route 303, Blauvelt, NY; 70.14 / 4 / 19; LO zone; 180 South Boulevard, South Nyack, NY,66.54 / 1 / 32; RO zone; Rebermak-McKee Attic Plan, 19 Division Avenue, South Nyack, NY 66.54 / 1 / 5; RG-6 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 8:30 P.M.

Dated: September 7, 2022

ZONING BOARD OF APPEALS
TOWN OF ORANGETOWN

By Deborah Arbolino

Deborah Arbolino, Administrative Aide

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

FENCE HEIGHT AND OFF-STREET LOADING BERTH VARIANCES APPROVED

To: Drazen Cackovic
53 Hudson Avenue
Nyack, New York 10960

ZBA #22-51
Date: September 7, 2022
Permit #BLDR-849-22

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#22-51: Application of Asahi Refining for a variance from Zoning Code (Chapter 43) of the Town of Orangetown Code, LO District, Section 6.4 (f) (Off Street Loading berths: 4.68 berths required, 4 proposed) and from (Section 5.226 Fence Height: (8' fence requires a 5'4" setback) for the north property line. The property is located at 875 Western Highway, Blauvelt, New York and is identified on the Orangetown Tax Map as Section 65.13, Block 1, Lot 2; in the LO zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a Hearing held on Wednesday, September 7, 2022 at which time the Board made the determination hereinafter set forth.

Drazen Cackovic, Architect, and Joseph Nueblig appeared and testified.

The following documents were presented:

1. Plans labeled "Asahi Depository " dated October 10, 201903/19/2022 with the latest revision date of 06/13/2022 signed and sealed by Drazen Cackovic, Architect. (6 pages).
2. A memorandum dated June 3, 2022 from Jane Slavin, RA, Director, OBZPAE, Town of Orangetown.
3. A letter dated June 23, 2022 addressed to the Zoning Board of Appeals from Drazen Cackovic, Principal, DCAK-MSA Architecture & Engineering, PC. (4 pages with an attachment of four pictures of the site with a small version of the site plan.
4. An e-mail dated August 22, 2022 from Jane Slavin, Director, OBZPAE, stating that the applicant needs an additional variance from Section 6.4 (f) for the number of loading docks required: 4.68 required, 4 proposed.
5. Planning Bard Decision #22-26 dated June 22, 2022.
6. A letter dated August 30, 2022 from Rockland County Department of Planning signed by Douglas J. Schuetz, Acting Commissioner of Planning.
7. A sign-off "no comments at this time" from Elizabeth Mello, Rockland County Department of Health.

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 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 § 617.6 (b) (3); and since the Planning Board conducted SEQRA reviews and on August 17, 2022 (as set forth in PB#20-26). Rendered an environmental determination that no significant adverse environmental impacts would result from the proposed land use actions (i.e. a "Negative Declarations" or "Neg. Dec."), the ZBA is bound by the Planning Board's Negative Declaration, and the ZBA cannot require further SEQRA review pursuant to DEQRA Regulations § 617.6 (b) (3); which motion was seconded by Tom Quinn and carried as follows: Mr. Valentine. aye; Mr. Sullivan, aye; Mr. Bonomolo, aye; and Mr. Quinn, aye. Mr. Bosco and Ms. Castelli were absent.

Drazen Cackovic, Architect, testified that the eight foot fence is necessary for security purposes; that they can meet the 5'4" setback on all sides except for a 60 foot section where the trucks need the extra space for their turning radius; that the trucks being used at this facility are 75' long trucks and for that reason they are seeking relief from the code; that they are surrounded by O'Sullivan Tree Service on two sides and the railroad tracks on the other side with a 10 to 12' embankment and these variances will not have a negative impact on the neighbors, wetlands or vegetation in the area; that there are seven loading docks existing on the building that was constructed in the 1980's; that the loading docks are not large enough for the type of trucks used for this facility' that they have trucks coming from Utah and Canada twice a week; that these trucks have sleeping cabins and must use loading docks that are wider for safer loading and unloading of the metal bars that they store in the facility; that the Director states that they need 4.68 loading docks required according to code and they are proposing 4 loading docks.

Joseph Nueblig testified that they will probably have two loading docks in use all the time; that they will have two trucks a week coming in and unloading; and that they plan to have 15 employees.

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 Mr. Valentine 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 fence height and number of loading dock variances will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. Similar fence height variances have been granted for security purposes at Data Centers in the town and the applicant only needs the variance for approximately 60 feet for the fence; that the loading dock variance is necessary to accommodate the larger trucks that are servicing the facility.

2. The requested fence height and number of loading dock variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. Similar fence height variances have been granted for security purposes at Data Centers in the town and the applicant only needs the variance for approximately 60 feet for the fence; that the loading dock variance is necessary to accommodate the larger trucks that are servicing the facility.

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 fence height and number of loading dock 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 fence height variances have been granted for security purposes at Data Centers in the town and the applicant only needs the variance for approximately 60 feet for the fence; that the loading dock variance is necessary to accommodate the larger trucks that are servicing the facility.

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 fence height and number of loading dock variances 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.

Permit #BLDC-849-22

The foregoing resolution to approve the application for the requested fence height and number of loading dock variances is APPROVED; was presented and moved by Mr. Sullivan, seconded by Mr. Quinn and carried as follows: Mr. Valentine, aye; Mr. Bonomolo, aye; Mr. Sullivan, aye; and Mr. Quinn, aye. Ms. Castelli and Mr. Bosco 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: September 7, 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-G.M.
TOWN CLERK
HIGHWAY DEPARTMENT
ASSESSOR
DEPT. of ENVIRONMENTAL
MGMT. and ENGINEERING
FILE,ZBA, PB
CHAIRMAN, ZBA, PB, ACABOR

TOTAL SIDE YARD AND SECTION 9.34 VARIANCES APPROVED

To: Peter and Emily Castillo
46 Buchanan Street
Pearl River, New York 10965

ZBA #22-55
Date: September 7, 2022
Permit #BLDR-1222-22

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#22-55: Application of Peter Castillo for a variance from Zoning Code (Chapter 43) of the Town of Orangetown Code, Chapter 43, R-15 District, Group M, Section 3.12, Columns 10 (Total Side Yard: 50' required, 44.5' proposed); and Section 9.34 (Extension or enlargement of existing non-conforming condition) for an addition to an existing single-family residence. The property is located at 46 Buchanan Street, Pearl River, New York and is identified on the Orangetown Tax Map as Section 68.14, Block 3, Lot 33; in the R-15 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a Hearing held on Wednesday, September 7, 2022 at which time the Board made the determination hereinafter set forth.

Peter Castillo appeared and testified.

The following documents were presented:

1. Plans labeled "Castillo Residence" dated April; 11, 2022 signed and sealed by Bart M. Rodi, P.E. (7 pages).
2. Survey dated June 11, 2021 with the latest revision date of July 5, 2022 signed and sealed by Robert E. Sorace, PLS.

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. Quinn, aye; Mr. Sullivan, aye; Mr. Bonomolo, aye; and Mr. Valentine, aye. Mr. Bosco and Ms. Castelli were absent.

Peter Castillo testified that he owns a Cape Cod style house that they are proposing to expand the dormers to make the second floor a full second floor; that they are also adding a front porch that does not require a variance; that the total side yard is not changing from 17.6'; but it needs a variance because it is being extended up; that there will be no change to the footprint of the house on either side, only in front for the porch; and that the house was built at an odd angle on the lot.

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 Mr. Bonomolo 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 total side yard variance will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The Board acknowledged the total side yard is existing and the variance is an extension of that bulk (Section 9.34) and noted that similar additions have been constructed in the neighborhood.

2. The requested total side yard variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The Board acknowledged the total side yard is existing and the variance is an extension of that bulk (Section 9.34) and noted that 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 total side 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. The Board acknowledged the total side yard is existing and the variance is an extension of that bulk (Section 9.34) and noted that 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.

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

Permit #BLDR-1222-22

The foregoing resolution to approve the application for the requested total side yard variance is APPROVED and the Section 9.34 extension of existing bulk is acknowledged; was presented and moved by Mr. Bonomolo, seconded by Mr. Quinn and carried as follows: Mr. Valentine, aye; Mr. Bonomolo, aye; Mr. Sullivan, aye; and Mr. Quinn, aye. Mr. Bosco and Ms. Castelli 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: September 7, 2022

ZONING BOARD OF APPEALS
TOWN OF ORANGETOWN

By Deborah Arbolino
Deborah Arbolino
Administrative Aide

DISTRIBUTION:

APPLICANT
ZBA MEMBERS
SUPERVISOR
TOWN BOARD MEMBERS
TOWN ATTORNEY
DEPUTY TOWN ATTORNEY
OBZPAE
BUILDING INSPECTOR-M.M.
TOWN CLERK
HIGHWAY DEPARTMENT
ASSESSOR
DEPT. of ENVIRONMENTAL
MGMT. and ENGINEERING
FILE,ZBA, PB
CHAIRMAN, ZBA, PB, ACABOR

TOTAL SIDE YARD VARIANCE APPROVED

To: Mario Luczaj
27 Wildwood Drive
Pearl River, New York 10965

ZBA #22-54
Date: September 7, 2022
Permit #BLDR-1431-22

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#22-54: Application of Mario Luczaj for a variance from Zoning Code (Chapter 43) of the Town of Orangetown Code, Chapter 43, R-15 District, Group M, Section 3.12, Columns 10 (Total Side Yard: 50' required, 42.5' proposed); and Section 9.34 (Extension or enlargement of existing non-conforming condition) for an addition to an existing single-family residence. The property is located at 27 Wildwood Drive, Pearl River, New York and is identified on the Orangetown Tax Map as Section 69.17, Block 4, Lot 39; in the R-15 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a Hearing held on Wednesday, September 7, 2022 at which time the Board made the determination hereinafter set forth.

Mariusz Luczaj appeared and testified.

The following documents were presented:

1. Plans labeled "Luczaj Residence 2nd-Story Addition" dated May 19, 2022 signed and sealed by Harold J. Goldstein, Architect. (2 pages).
2. A ZBA Decision #15-63 July 15, 2015.
3. A letter dated September 2, 2022 from Virginia and Bill Maloney, 35 Wildwood Drive in opposition to the granting of the variance.

Mr. Sullivan, Chairman, recused himself because his brother owns a house in the neighborhood.

Tom Quinn, Acting Chairman for this application, made a motion to open the Public Hearing which motion was seconded by Mr. Valentine 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. Valentine, aye; Mr. Quinn, aye; Mr. Bonomolo, aye; and Mr. Sullivan, aye. Mr. Bosco and Ms. Castelli were absent.

Mariusz Lucjac testified that they are proposing to add a 14' x 17'addition to the second floor of the house; that they are adding a master bathroom and closet with a hipped roof that will match the existing roof; that the floor area ratio will still be under the permitted amount; that it is a 2nd floor addition only and will not be a two story addition; that they area below the 2nd story addition will remain patio; that they have three kids ages 21, 17 and 13 and they really need the additional bathroom, especially in the morning.

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. Quinn made a motion to close the Public Hearing which motion was seconded by Mr. Bonomolo 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 total side yard variance will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The Board acknowledged the total side yard exists and a second story is being added to it and noted that similar additions have been constructed in the neighborhood.

2. The requested total side yard variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The Board acknowledged the total side yard exists and a second story is being added to it and noted that 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 total side 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. The Board acknowledged the total side yard exists and the second story is being added to it and noted that 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.

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

Permit #BLDR-1431-22

The foregoing resolution to approve the application for the requested total side yard variance is APPROVED and acknowledge the increase in non-conformity of the total side yard; was presented and moved by Mr. Quinn, seconded by Mr. Valentine and carried as follows: Mr. Bonomolo, aye; Mr. Valentine, aye; and Mr. Quinn, aye. Mr. Sullivan recused himself. Mr. Bosco and Ms. Castelli 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: September 7, 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
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FILE,ZBA, PB
CHAIRMAN, ZBA, PB, ACABOR