

MINUTES  
ZONING BOARD OF APPEALS  
November 15, 2023

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

ABSENT: ROBERT BONOMOLO, JR.  
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

TRIUMPH TAE KWON DO  
588 Route 303  
Blauvelt, New York  
70.14 / 4 / 9; CC zone

ILLUMINATED SIGN ZBA#23-44  
VARIANCE GRANTED

RAMOS  
6 Lafayette Street  
Tappan, New York  
77.06 / 1 / 29.35; R-15 zone

FRONT YARD, SIDE ZBA#23-45  
YARD AND TOTAL SIDE YARD  
VARIANCES APPROVED  
UNDERSIZE LOT ACKNOWLEDGED

MONZON  
40-44 Grand Avenue  
Tappan, New York  
77.10 / 2 / 36; R-15 zone

FLOOR AREA RATIO ZBA#23-46  
VARIANCE APPROVED

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

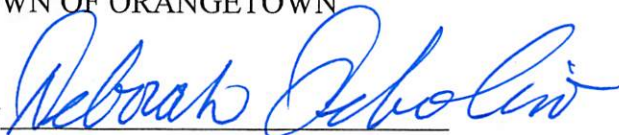
The verbatim minutes, as recorded by the Board's official stenographer for the above hearings, are not transcribed.

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: November 15, 2023

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 CLERK'S OFFICE  
NOV 21 P 1:55  
TOWN OF ORANGETOWN

**SECTION 3.11, CC DISTRICT, COLUMN 5 #3 ILLUMINATED SIGN VARIANCE  
APPROVED**

To: Hispana Signs (Triumph Tae Kwon Do)  
175 N. Route 9W (Suite 12)  
Congers, New York 10920

ZBA #23-44  
Date: November 15, 2023  
Permit #sign-3221-23

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA# 23-44: Application of Triumph Tae Kwon Do for a variance from Zoning Code (Chapter 43) of the Town of Orangetown, Section 3.11, CC District, Column 5 , #3 ( Allows 40 sf sign to be illuminated: 56 sf proposed) for a sign at an existing building. The premises are located at 588 Route 303, Blauvelt, New York and are identified on the Orangetown Tax Map as Section 70.14, Block 4, Lot 9 in the CC zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a Hearing held on Wednesday, November 15, 2023 at which time the Board made the determination hereinafter set forth.

Maite Shinan, Hispana Signs, appeared and testified.

The following documents were presented:

1. Survey dated 09/21/2022 by Steven J. Collazoul, P.E. & L.S. ( 1 page)
2. Sign plan dated 082223 signed and sealed by Hojoon Chung, Architect.
3. A comments to follow dated October 20, 2023 from Rockland County Department of Planning signed b J. Palant.
4. A letter dated November 14, 2023 from Rockland County Sewer District No. 1 signed by Nicholas King, Engineer I.
5. A " No future correspondence for this site should be sent to this agency" from Dyan Rajasingham, Rockland County Highway Department, dated October 27, 2023.

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 seeks area or bulk variances for construction or expansion of primary, or accessory or appurtenant , non –residential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls; this application is exempt from the State Environmental Quality Review Act (SEQRA), pursuant to SEQRA Regulations §617.5 (c) (7); 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; and Ms. Castelli, aye. Mr. Bonomolo and Mr. Valentine were absent.

Maite Shinin, Hispana Signs, testified that the code permits 40 sq. ft. any are proposing 56 sq. ft. because they could not reduce the sign proportionately to accommodate the 40 sq. ft. requirement without reducing the visibility of the sign ; that the is size sign fits on the building in the correct proportion; and that there are many other signs in the immediate area that are similar or larger; and that the sign on the building is the only sign being requested.

TOWN CLERK'S OFFICE

NOV 21 P 1:55

TOWN OF ORANGETOWN

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 § 3.11 Column 5 #3 illuminated sign variance will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The sign is on the building and is appropriately sized for the size of the building.
2. The requested § 3.11 Column 5 #3 illuminated sign variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.
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 § 3.11 Column 5 #3 illuminated sign variance although 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.
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.

TOWN CLERK'S OFFICE

2023 NOV 21 P 1:55

TOWN OF ORANGETOWN

DECISION: In view of the foregoing and the testimony and documents presented, the Board RESOLVED that the application for the requested § 3.11 Column 5 #3 illuminated sign 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

NOV 21 PM 1:55


TOWN OF ORANGETOWN

The foregoing resolution to approve the application for the requested § 3.11 Column 5 #3 illuminated sign variance is APPROVED; was presented and moved by Mr. Sullivan, seconded by Mr. Quinn and carried as follows: Mr. Bosco, aye; Mr. Quinn, aye; Mr. Sullivan, aye; and Ms. Castelli, aye. Mr. Bonomolo 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: November 15, 2023

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-Glenn M.

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

TOWN OF ORANGETOWN  
2023 NOV 21 P 1:55  
TOWN CLERK'S OFFICE

**FRONT YARD, SIDE YARD AND TOTAL SIDE YARD VARIANCES APPROVED  
UNDERSIZED LOT ACKNOWLEDGED**

To: Sesi Ramos  
6 Lafayette Street  
Tappan, New York 10983

ZBA #23-45  
Date: November 15, 2023  
Permit #BLDR-4077-23

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA# 23-45: Application of Sesi Ramos for variances from Zoning Code (Chapter 43) of the Town of Orangetown, Section 3.12, R-15 District, Section 5.21(c) Undersized lot Applies: Columns 8 ( Front Yard: 30' required, 23.4' proposed), 9 (Side Yard: 15' required, 1.8' proposed), 11 ( Total Side Yard: 30' required, 17.5' proposed) for a carport at an existing single-family residence. The premises are located at 6 Lafayette Street, Tappan, New York and are identified on the Orangetown Tax Map as Section 77.06, Block 1, Lot 29.35 in the R-15 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a Hearing held on Wednesday, November 15, 2023 at which time the Board made the determination hereinafter set forth.

Sesi Ramos and Arben Sela, Architect, appeared and testified.

The following documents were presented:

1. Plot plan from survey by Robert Rahnefeld, PLS dated April 15, 1997, Plan and elevations for carport and bulk table dated 09/04/2023 with the latest revision date of 09/24/2023 signed and sealed by Arben Sela, AIA. ( 1 page)

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

Sesi Ramos testified that she would like the carport because she is having a hard time cleaning the car off in bad weather; that she has someone plow her driveway but they do not clean the car off and she is having more difficulty with the task.

Arben Sela, Architect testified that the carport would go where the driveway is and it is 24' x 13 with a pie foundation and metal roof inserted into the roof structure; that there is no other practical place on the property to put it; that the house next door sits further back; and that it lines up with the back of this structure.

TOWN CLERK'S OFFICE  
NOV 21 P 1:55  
TOWN OF ORANGETOWN

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. The Board acknowledged the undersized lot and pre-existing non-conforming lot area and lot width. There was no public opposition to the project and the carport is vital for snow removal for the applicant's handicap. Similar additions have been constructed in the neighborhood.
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. The Board acknowledged the undersized lot and pre-existing non-conforming lot area and lot width. . There was no public opposition to the project and the carport is vital for snow removal for the applicant's handicap. 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, side yard and total side yard variances although 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 pre-existing non-conforming lot area and lot width. . There was no public opposition to the project and the carport is vital for snow removal for the applicant's handicap. 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.

TOWN CLERK'S OFFICE

NOV 21 12 11 PM '23

TOWN OF ORANGETOWN



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 the Undersize lot is acknowledged with the pre-existing non-conforming lot width and lot area; 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  
NOV 21 P 1:55  
TOWN CLERK'S OFFICE



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. Bosco, seconded by Ms. Castelli and carried as follows: Mr. Bosco, aye; Mr. Sullivan, aye; Ms. Castelli, aye; and Mr. Quinn, aye. Mr. Bonomolo 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: November 15, 2023

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-Ken L.

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

TOWN OF ORANGETOWN  
2023 NOV 21 P 1:55  
TOWN CLERK'S OFFICE

## **FLOOR AREA RATIO VARIANCE APPROVED**

To: Donald Brenner ( Monzon)  
4 Independence Avenue  
Tappan, New York 10983

ZBA #23-46  
Date: November 15, 2023  
Permit # 52087

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA# 23-46: Application of Abel Monzon for a variance from Zoning Code (Chapter 43) of the Town of Orangetown, Section 3.12, R-15 District, Group M, Column 4 (Floor Area Ratio: 20% permitted, 26.6% proposed original 21%) for a new single-family residence. The premises are located at 40-44 Grand Avenue Tappan, New York and are identified on the Orangetown Tax Map as Section 77.10, Block 2, Lot 36 in the R-15 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a Hearing held on Wednesday, November 15, 2023 at which time the Board made the determination hereinafter set forth.

Donald Brenner, Attorney, appeared and testified.

The following documents were presented:

1. "Site Plan Proposed Dwelling for Abel Monzon" dated May 13, 2023 revised September 21, 2023 signed and sealed by Robert E. Sorace, Land Surveyor.
2. Architectural plans labeled : "New Residence for Monzon Subdivision" not dated or signed or sealed by Harry J. Goldstein, Architect.
3. PB#22-47 Monzon Re-subdivision Plan reapproval of Final Re-subdivision Plan dated September 14, 2022.
4. Orangetown Zoning Board Decision #22-08 dated February 2, 2022.
5. Planning Board #21-26 Monzon Re-subdivision Plan Approval and Neg. Dec. dated July 28, 2021.
6. An e-mail dated November 15, 2023 from Michael Dempsey.
7. Three pictures of house in the immediate area.

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

Donald Brenner, Attorney, testified that this project was originally two small lots that were merged to create one lot that is still undersized; that the proposed house needs a minimal variance for floor area ratio; that they have a drainage plan for the property by a certified engineer; that the neighbors have been parking their cars on this vacant lot; that the drainage plans show the roof leaders going into pits; that he doesn't recall why he said that the floor area ratio variance was not needed at the time of the subdivision, which merged the lots; and that the house looks like the same house that was proposed at the time of the subdivision; and that he does not know why at that time it was determined that the floor area ratio was .21 and now it is 2.66; that perhaps the first time around the closets and hallways were not added in; that in some municipalities they do not count; and the house has not changed in size it is 45' x 30' and that is the measurement on the site plan, and has not changed.

Mr. Monzon submitted three pictures of similar houses and a larger house in the neighborhood; that the pictures are of houses at the end of the block and on the same side of the street; that the house does have a two-car garage and they can make the deck smaller if the Board wants it smaller.

Public Comment:

Joseph Grunski, 52 Grand Avenue, testified that he shares the same concerns as his neighbor Mr. Dempsey; that drainage is a concern and asked what stage the project was in.

Mr. Sullivan, Chairman responded that they are at the point of getting ready to make a decision and then a building permit would be issued.

Mr. Grunski got up to inspect the architectural plans that he did not realize were on the table with the site plan; and reported that the house looked nice.

Rick Turner, 57 Western Highway, testified that his property abuts this property in the rear of his house; and asked the square footage of the proposed house; and continued by stating that he has lived in his house for 25 years and his house is 100 years old and he has spent the last 25 years improving and restoring it; that he moved to Tappan for the historic significance of the hamlet and does not see how this structure improves or adds value to the neighborhood; that the existing green space adds value.

Maria Pulino, 66 Western Highway, testified that she and her husband purchased their house a year ago; that this is her first time at a hearing like this; that there is a lot of noise in the area, with heavy traffic from 7:00 am to 5:00 pm and the train noise; that she is concerned about air quality utility use and increased traffic; that her house is also 100 years old; that she does not see how a new bi-level improves the neighborhood and that she is concerned about new construction causing a re-assessment of her property.

Mr. Sullivan, Chairman explained that new construction in a neighborhood increases the value of existing homes; however it does not trigger a reassessment of the existing lots in the area; that Grand Avenue has the utility connections for the house, and the building permit is issued for two years with one six-month extension.

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.

TOWN OF ORANGETOWN  
NOV 21 1:56  
TOWN CLERK'S OFFICE

**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. Other houses in the neighborhood are similar in size. There is a drainage plan for the property that was submitted at the hearing.
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. Other houses in the neighborhood are similar in size. There is a drainage plan for the property that was submitted at the hearing.
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. Other houses in the neighborhood are similar in size. There is a drainage plan for the property that was submitted at the hearing.
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 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.

NOV 21 1:56 PM  
TOWN OF ORANGETOWN

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

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

The foregoing resolution to approve the application for the requested variances are APPROVED; was presented and moved by Ms. Castelli, seconded by Mr. Quinn and carried as follows: Mr. Bosco, aye; Mr. Sullivan, aye; Ms. Castelli, aye; and Mr. Quinn, aye. Mr. Bonomolo 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: November 15, 2023

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 CLERK'S OFFICE  
2023 NOV 21 P 1:56  
TOWN OF ORANGETOWN