

MINUTES
ZONING BOARD OF APPEALS
June 7, 2023

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

ABSENT: BILLY VALENTINE

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

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

PUBLISHED ITEMS

APPLICANTS

DECISIONS

NEW ITEMS:

| | | |
|--|--|-----------|
| ORANGETOWN COMMERCE CENTER EXTENSION OF TIME BUILDING HEIGHT 5 Greenbush Road Orangeburg, New York 74.15 / 1 / 2; LI zone | EXTENSION OF TIME GRANTED TILL JUNE 21, 2025 | ZBA#23-14 |
| ORANGETOWN COMMERCE CENTER EXTENSION OF TIME SIGNS 5 Greenbush Road Orangeburg, New York 74.15 / 1 / 2; LI zone | EXTENSION OF TIME GRANTED TILL JUNE 21, 2025 | ZBA#23-15 |
| TRI-BEE LTD 120 & 122 East Central Ave. Pearl River, New York 68.20 / 2 / 5.1 & 5.2; CS zone | § 9.2 § 9.34 VARIANCES APPROVED; § 3.11 CS DISTRICT, COLUMN 3 #1 3.11 AND § 3.11 CS DISTRICT, COLUMN 6 SPECIAL PERMITS APPROVED BOARD OVER-RODE COMMENT #1 OF ROCKLAND COUNTY DEPARTMENT OF PLANNING LETTER DATED MAY 30, 2023 | ZBA#23-16 |
| KORNVEIN 420 White Oak Road Palisades, New York 77.20 / 1 / 27; R-22 zone | FLOOR AREA RATIO VARIANCE APPROVED | ZBA#23-17 |
| CONNOLLY 70 East Lewis Avenue Pearl River, New York 68.12 / 6 / 6; RG zone | FRONT YARD AND BUILDING HEIGHT VARIANCES APPROVED | ZBA#23-18 |

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.

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: 897 Route 9W Site Plan, Upper Grandview, New York 71.17 / 1 / 13; R-22 zone; and FURTHER RESOLVED, to request to be notified by the Planning Board of SEQRA proceedings.

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: June 7, 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 OF ORANGETOWN
2023 JUN 13 P 1:07
TOWN CLERK'S OFFICE

EXTENSION OF TIME GRANTED UNTIL JUNE 21, 2025

To: Geraldine Tortorella (Orangetown Commerce Height)
One North Broadway Suite 701
White Plains, New York 10601

ZBA #23-14
Date: June 7, 2023
Permit # 45127

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#23-14: Application of Orangetown Commerce Center for an extension of time to implement variances that were granted in ZBA#16-63 and extended once in ZBA#18-07 and again in ZBA# 20-11 and 21-44: variances from Zoning Code (Chapter 43) of the Town of Orangetown Code, LI District, Section 3.12, Column 12 (Building Height) for a new commerce center. The premises are located at 5 Greenbush Road, Orangeburg, New York and are identified on the Orangetown Tax Map as Section 74.15, Block 1, Lot 2; in the LI zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a Hearing held on Wednesday, June 7, 2023 at which time the Board made the determination hereinafter set forth.

Geraldine Tortorella, Esq., appeared and testified.

The following documents were presented:

1. A cover letter dated April 19, 2023 from Hocherman Tortorella & Wekstein LLP signed by Geraldine N. Tortorella, Esq.
2. ZBA# 21-44 Resolution Extending the Building Height Variance.
3. Communication from Building Director Jane Slavin, RA. Dated April 10, 2023.
4. Recorded Deed for 5 Greenbush Road.
5. Existing Conditions Survey, last revised March 27, 2017.
6. Elevations of the Proposed Building prepared by Dahn & Krieger Architects Planners PC, last revised November 12, 2019.
7. Layout Plan for Orangetown Commerce Center, prepared by Leonard Jackson Associates, last revised January 3, 2019.
8. A Drawing Numbers 5A (Landscape Plan), 5B (Landscape & Lighting Notes & Details) and 5C (Landscape Sections) for Orangetown Commerce Center, prepared by Langan, last revised May 8, 2018 and Drawing Numbers 5D (Plan Rendering) and E (Photo Inventory) for Orangetown Commerce Center, prepared by Langan, dated May 23, 2016.
9. A letter dated May 24, 2023 from Rockland County Department of Planning signed by Douglas J. Schuetz, Acting Commissioner of Planning.
10. A letter dated May 24, 2023 from Rockland County Sewer District No. 1 signed by Joseph LaFiandra, Engineer II.
11. A letter dated May 24, 2023 from Rockland County Drainage Agency signed by Liron Derguti, Engineer I.
12. A "no comments at this time, please send future correspondence for review" from Dyan Rajasingham, Rockland County Highway Department, dated May 3, 2023.
13. A "No comments at this time, please send future correspondence for review" from Rockland County Health Department signed by Liz Mello dated May 30, 2023, 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 a 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) (9); which does not require SEQRA environmental review and since the Planning Board noticed its intent to declare itself lead agency and distributed the notice of intension to all Involved Agencies, including the ZBA who consented or did not object to the Planning Board actin as Lead Agency for the overall project underlying these ZBA applications,

pursuant to coordinated review under State Environmental Quality Review Act Regulation §617.6 (b)(3) ; and since the Planning Board conducted a SEQRA review and, on May 11, 2016, rendered an environmental determination of no significant adverse environmental impacts to result from the proposed land use action (i.e., a “Negative Declaration” or “Neg Dec”0, the ZBA is bound by the Planning Board’s Neg Dec and the ZBA cannot require further SEQRA review pursuant to SESEQRA Regulation § 617.6 (b) (3). The motion was seconded by Ms. Castelli and carried as follows: Ms. Castelli, aye; Mr. Quinn, aye; Mr. Sullivan, aye; Ms. Bonomolo, aye; and Mr. Bosco, aye.

Geraldine Tortorella, Esq., testified that the applications have many moving parts and the reason they are asking for another extension of time is because they were delayed with COVID, that obtaining financing and getting the remediation done has also been an issue; that the traffic studies that were done previously included Stop & Shop and the hotel and recent traffic counts are less than what was originally predicted; that the project has not changed and if they had to apply for the variances again the balancing act would be the same; that they are hoping to be able to significantly implement construction within the next two years and not have to be back requesting any more extensions of time to implement the variances that the Board has granted for the project.

Public Comment:

No public comment.

Dan Sullivan stated that this application was previously approved and extended many times and the applicant should consider substantially implementing the variances prior to the end of this extension of time.

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.

TOWN OF ORANGETOWN
2023 JUN 13 P 1:08
TOWN CLERK'S OFFICE

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. No significant change in circumstances has occurred since the prior approved variances were granted in ZBA#16-63, and with extensions of time granted ZBA #18-07, ZBA#20-11 and #21-44 that would warrant Board reconsideration of its approval.
2. Applicants stated that they are planning to start construction after the environmental remediation is completed and that financing has become more difficult since COVID.

DECISION: In view of the foregoing and the testimony and documents presented, the Board **RESOLVED** that the application for the requested extension of time to implement the variances granted in ZBA# 16-63 and with extensions of time granted in ZBA #18-07, ZBA#20-11 and ZBA# 21-44 for height variances are **APPROVED UNTIL JUNE 21, 2025**; 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.

TOWN OF ORANGETOWN
JUN 13 P 1:08
TOWN CLERK'S OFFICE

(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 extension of time to implement the variances granted in ZBA#16-63, and with extensions of time granted in ZBA#18-07, ZBA #20-11, ZBA#21-44 for building height variances are APPROVED UNTIL JUNE 21, 2025; was presented and moved by Mr. Sullivan, seconded by Mr. Quinn 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: June 7, 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-R.A.O.

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

TOWN CLERK'S OFFICE
2023 JUN 13 P 1:08
TOWN OF ORANGETOWN

EXTENSION OF TIME GRANTED UNTIL JUNE 21, 2025

To: Geraldine Tortorella (Orangetown Commerce sign)
One North Broadway Suite 701
White Plains, New York 10601

ZBA #23-15
Date: June 7, 2023
Permit # 45232

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#23-15: Application of Orangetown Commerce Center for an extension of time to implement variances that were granted in ZBA #16-62 and extended once in ZBA # 18-06 and again in ZBA#20-10 and 21-43: variances from Zoning Code (Chapter 43) of the Town of Orangetown Code, LI District, Section 3.11, Column 5 #7 (Total Sign Area) and #8 c (sign setback) for two (2) internally lite freestanding signs) at a new commerce center. The premises are located at 5 Greenbush Road, Orangeburg, New York and are identified on the Orangetown Tax Map as Section 74.15, Block 1, Lot 2; in the LI zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a Hearing held on Wednesday, June 7, 2023 at which time the Board made the determination hereinafter set forth.

Geraldine Tortorella, Esq., appeared and testified.

The following documents were presented:

1. A cover letter dated April 19, 2023 from Hocherman Tortorella & Wekstein LLP signed by Geraldine N. Tortorella, Esq.
2. ZBA# 21-43 Resolution Extending the Sign Variances.
3. Communication from Building Director Jane Slavin, RA. Dated April 10, 2023.
4. Recorded Deed for 5 Greenbush Road.
5. Existing Conditions Survey, last revised March 27, 2017.
6. Layout Plan for Orangetown Commerce Center, prepared by Leonard Jackson Associates, last revised January 3, 2019.
7. Orangetown Commerce Center Sign Plan, prepared by Allied Environmental Signage, last revised May 25, 2016.
8. A letter dated May 24, 2023 from Rockland County Department of Planning signed by Douglas J. Schuetz, Acting Commissioner of Planning.
9. A letter dated May 24, 2023 from Rockland County Sewer District No. 1 signed by Joseph LaFiandra, Engineer II.
10. A letter dated May 24, 2023 from Rockland County Drainage Agency signed by Liron Derguti, Engineer I.
11. A " no comments at this time, please send future correspondence for review" from Dyan Rajasingham, Rockland County Highway Department, dated May 3, 2023.
12. A " No comments at this time, please send future correspondence for review" from Rockland County Health Department signed by Liz Mello dated May 30, 2023, 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 a 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) (9); which does not require SEQRA environmental review and since the Planning Board noticed its intent to declare itself lead agency and distributed the notice of intension to all Involved Agencies, including the ZBA; who consented or did not object to the Planning Board actin as Lead Agency for the overall project underlying these ZBA applications, pursuant to coordinated review under State Environmental Quality Review Act Regulation §617.6 (b)93) ; and since the Planning Board conducted a SEQRA review and, on May 11, 2016,

rendered an environmental determination of no significant adverse environmental impacts to result from the proposed land use action (i.e., a "Negative Declaration" or "Neg Dec"0, the ZBA is bound by the Planning Board's Neg Dec and the ZBA cannot require further SEQRA review pursuant to SESEQRA Regulation § 617.6 (b) (3). The motion was seconded by Ms. Castelli and carried as follows: Ms. Castelli, aye; Mr. Quinn, aye; Mr. Sullivan, aye; Mr. Bonomolo, aye; and Mr. Bosco, aye.

Geraldine Tortorella, Esq., testified that the applications have many moving parts and the reason they are asking for another extension of time is because they were delayed with COVID, that obtaining financing and getting the remediation done has also been an issue; that the traffic studies that were done previously included Stop & Shop and the hotel and recent traffic counts are less than what was originally predicted; that the project has not changed and if they had to apply for the variances again the balancing act would be the same; that they are hoping to be able to significantly implement construction within the next two years and not have to be back requesting any more extensions of time to implement the variances that the Board has granted for the project.

Public Comment:

No public comment.

Dan Sullivan stated that this application was previously approved and extended many times and the applicant should consider substantially implementing the variances prior to the end of this extension of time.

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.

TOWN CLERK'S OFFICE
JUN 13 PM 4:09
TOWN OF ORANGETOWN

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. No significant change in circumstances has occurred since the prior approved variances were granted in ZBA #16-62 and extended once in ZBA# 18-06, and again in ZBA#20-10 and ZBA # 21-43 that would warrant Board reconsideration of its approval.
2. Applicants stated that they are planning to start construction after the environmental remediation is completed and that financing has become more difficult since COVID.

DECISION: In view of the foregoing and the testimony and documents presented, the Board **RESOLVED** that the application for the requested extension of time to implement the variances granted in once in ZBA# 18-06, and again in ZBA#18-06 and again in, ZBA #20-10, and ZBA#21-43 for Signs are **APPROVED UNTIL JUNE 21, 2025**; 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.

TOWN OF ORANGETOWN

2023 JUN 13 PM 4:03

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 extension of time to implement the variances granted in ZBA#16-62 and extended once in ZBA# 18-06 and again in ZBA#20-10, ZBA #21-43 for Sign variances are APPROVED until June 21, 2025; was presented and moved by Mr. Sullivan, seconded by Mr. Quinn 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: June 7, 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-G.M.

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

TOWN CLERK'S OFFICE
2023 JUN 13 P 1:08
TOWN OF ORANGETOWN

SECTION 9.2, SECTION 9.34 (ONE TIME 50% EXPANSION IN FLOOR AREA OR OF IS LAND OCCUPANCY); SECTION 3.11 , CLOMUN 3 SPECIAL PERMIT; AND SECTION 3.11, CS DISTRICT, COLUMN 6 REFERS TO R-80 DISTRICT, COLUMN 6: PARKING 22 APARTMENTS REQUIRED 44 PARKING SPACES: SPECIAL PERMIT AND VARIANCES APPROVED

To: Donald Benner (Tri-Bee LTD.)
4 Independence Avenue
Tappan, New York 10983

ZBA #23-16
Date: June 7, 2023
Permit # BLDR-2294-22

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#23-16: Application of Tri-Bee LTD for variances from Zoning Code (Chapter 43) of the Town of Orangetown Code, CS District, Section 9.2 (Degree of nonconforming bulk not to be increased: required front yard is 0' or 45': 30' existing & proposed); Section 9.34: ("Extension or Enlargement" shall mean: in the case of a nonconforming use in a building, the enlargement of such building so as to create additional floor area, other extension within any existing building to any portion of the floor area therein not formerly used for such nonconforming use, except where such additional floor area was manifestly designed for such use at the time such use became nonconforming or the extension of the use to an area outside the building... A nonconforming use shall not be extended except as follows: To the extent the district regulations permit, and on application of the Board of Appeals , any use, except a sign, first permitted by right or by special permit, in any district, may be extended up to but not exceeding an aggregate increase of 50% in its floor area or of its land area occupancy if a nonbuilding use. However, this provision may be used only once for each such use."); from Section 3.11, Column 3 Uses by Special Permit, Zoning Board, Number 1 (Additions to existing residential structures ...on the same lot as existing residential uses": A special permit is required); Section 3.11, CS District, Column 6, same as R-80 District, Column 6: Residences, at least 1 parking space for each ½ dwelling ...22 apartments result in the need for 44 parking spaces) The premises are located at 120 & 122 East Central Avenue, Pearl River, New York and identified on the Orangetown Tax Map as Section 68.20, Block 2, Lots 5.1 & 5.2 in the CS zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a Hearing held on Wednesday, June 7, 2023 at which time the Board made the determination hereinafter set forth.

Donald Brenner, Attorney, Jay Greenwell, Land Surveyor, Tom Bertussi, property owner, and Mirtha Quintana, Administrative Assistant for Tri-Bee, appeared and testified.

The following documents were presented:

1. Site plans labeled Tri-Bee LTD Sheet 1: Cover Sheet with existing conditions dated 8/28/ 22 with latest revision date 3/14/23 ; Sheet 2 : Proposed Improvements dated 8/28/ 222 with the latest revision date of 3/14/2023 and Sheet 3 : Re-subdivision Plat dated 8/28/ 22 with the latest revision date of 3/14/2023 signed and sealed by Jay Greenwell, PLS,LLC (3 pages)
2. Project narrative not dated.
3. A memorandum dated January 26, 2023 from Jane Slavin, RA., Director O.B.Z.P.A.E. (2 pages).
4. Orangetown Planning Board Decision #23-06 dated February 8, 2023.
5. A letter dated May 30, 2023 from Rockland County Department of Planning signed by Douglas J. Schuetz, Acting Commissioner of Planning. (3 pages)
6. A letter dated May 24, 2023 from Rockland County Sewer District No. 1 signed by Joseph LaFiandra, Engineer II.
7. A letter dated May 3, 2023 from Dyan Rajasingham, Engineer III, Rockland County Highway Department.
8. A letter dated May 30, 2023 from Rockland County Health Department signed by Elizabeth Mello, P.E. Senior Public Health Engineer.
9. A letter dated May 3, 2023 from Rockland County Highway Department signed by Dyan Rajasingham, Engineer III.

Mr. Sullivan, Chairman, made a motion to open the Public Hearing which motion was seconded by Mr. Bonomolo 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 February 8, 2023 (PB#23-05) for Final Re-subdivision approval subject to Conditions, and on February 8, 2023 (as set forth in PB#23-06) for Preliminary Site Plan approval subject to Conditions, 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. Bonomolo, aye; Ms. Castelli, aye; Mr. Sullivan, aye; and Mr. Bosco, aye.

Donald Brenner, Attorney, testified that these buildings have a pre-existing use; that the applicant is trying to improve the buildings which were built many years ago and would like to improve them to the new green codes; that they have been before the Planning Board and received preliminary approval to merge the lots and would like permission to improve the apartments.

Jay Greenwell, Land Surveyor, testified that the proposed improvements were prompted by the fire at the larger building; that the Planning Board suggested the courtyard design; that they are not increasing the number of apartments; that the curb cut in the center of Central Avenue will be removed; that the Fire Inspector has reviewed the plan and the fire truck can make it into the back of the lot; that the designated street line has not changed; that there is no widening and no net loss of property; that the safety of the structure is improved; and that they would request an override of comment #1 of the Rockland County Department of Planning letter dated May 30, 2023 because the number of apartments that presently exist have not had a problem with parking and the applicant has owned the lots for the last 32 years; that the number of apartments will remain the same after the improvements are completed; and for that reason they do not anticipate any problems with parking.

Tom Bertussi, owner of the property testified that he has owned both of these properties for the last 32 years; that he is planning on removing the old garage and the old house which has four one bedroom apartments and replacing those structures with the new three story structure with six one-bedroom apartments; that there will be sixteen apartments in the building that is remaining instead of the original 18; that this building will be renovated to make the apartments nicer and the total number of apartments will remain at 22 units.

Mirtha Quintana, Administrative Assistant, testified that the posters were installed on the property according the tax map that was attached to the posters.

Public Comment:

No public comment.

17 AUG 2023 10:11 AM
804 61 01 01
17 AUG 2023 10:11 AM

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 § 9.2 (expansion of non-conforming use and bulk) and § 9.34 (One time 50% expansion of non-conforming use or bulk) § 3.11, Column6 CS District refer to R-80, Column6 (Parking: 22 apartments required 44 parking spaces) and from 3.11, Column 3 Uses by Special Permit, Zoning Board Number 1 (Additions to existing residential structures on same lot as existing residential uses requires a Special Permit) will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The apartments have existed on this site for at least the last 32 years; that the improvements proposed by this application is not increasing the number of units, however it is improving the safety of the dwelling units and modernizing them. This one time 50% expansion of the pre-existing non-conforming use of the lot will benefit the tenants and the community by creating buildings that are modern with facilities that create a positive aesthetic change to the neighborhood.
2. The Board voted to override comment #1 of the letter dated May 30, 2023 from Rockland County Department of Planning at the applicant's request because the applicant is not adding any new apartments to the site and the improvements to the building will enhance the tenant's safety and the new configuration on the lot will be aesthetically pleasing.
3. The requested § 9.2 (expansion of non-conforming use and bulk) and § 9.34 (One time 50% expansion of non-conforming use or bulk) § 3.11, Column6 CS District refer to R-80, Column6 (Parking: 22 apartments required 44 parking spaces) and from 3.11, Column 3 Uses by Special Permit, Zoning Board Number 1 (Additions to existing residential structures on same lot as existing residential uses requires a Special Permit) will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The apartments have existed on this site for at least the last 32 years; that the improvements proposed by this application is not increasing the number of units, however it is improving the safety of the dwelling units and modernizing them. This one time 50% expansion of the pre-existing non-conforming use of the lot will benefit the tenants and the community by creating buildings that are modern with facilities that create a positive aesthetic change to the neighborhood.
4. The benefits sought by the applicant cannot be achieved by other means feasible for the applicant to pursue other than by obtaining variances.
5. The requested § 9.2 (expansion of non-conforming use and bulk) and § 9.34 (One time 50% expansion of non-conforming use or bulk) § 3.11, Column6 CS District refer to R-80, Column6 (Parking: 22 apartments required 44 parking spaces) and from 3.11, Column 3 Uses by Special Permit, Zoning Board Number 1 (Additions to existing residential structures

on same lot as existing residential uses requires a Special Permit) 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 apartments have existed on this site for at least the last 32 years; that the improvements proposed by this application is not increasing the number of units, however it is improving the safety of the dwelling units and modernizing them. This one time 50% expansion of the pre-existing non-conforming use of the lot will benefit the tenants and the community by creating buildings that are modern with facilities that create a positive aesthetic change to the neighborhood.

6. The applicant purchased the property subject to Orangetown's Zoning Code (Chapter 43) and is proposing a new addition and/or improvements, so the alleged difficulty was self-created, which consideration was relevant to the decision of the Board of Appeals, but did not, by itself, preclude the granting of the area variance.

DECISION: In view of the foregoing and the testimony and documents presented, the Board RESOLVED that the application for the requested § 9.2 (expansion of non-conforming use and bulk) and § 9.34 (One time 50% expansion of non-conforming use or bulk) § 3.11, Column6 CS District refer to R-80, Column6 (Parking: 22 apartments required 44 parking spaces) and from 3.11, Column 3 Uses by Special Permit, Zoning Board Number 1 (Additions to existing residential structures on same lot as existing residential uses requires a Special Permit) are APPROVED; and FURTHER RESOLVED, that comment #1 of the letter dated May 30, 2023 from Rockland County Department of Planning is overridden because the number of apartments is not increasing and the new structure will have more safety features than the older structures that are being removed; 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.


Ms. Castelli made a motion to override comment #1 of the letter dated May 30, 2023 from Rockland County Department of Planning signed by Douglas J. Schuetz, Acting Commissioner of Planning because the applicant is not increasing the number of apartments, however the proposal does create a more modern, energy efficient, and safer structure for the tenants; that the applicant has owned the buildings for the last 32 years without any parking incidents; and finally the new structure will be aesthetically pleasing; which motion was seconded by Mr. Quinn and carried as follows: Mr. Bosco, aye; Mr. Bonomolo, aye; Mr. Sullivan, aye; Mr. Quinn, aye and Ms. Caselli, aye.

The foregoing resolution to approve the application for the requested § 9.2 (expansion of non-conforming use and bulk) and § 9.34 (One time 50% expansion of non-conforming use or bulk) § 3.11, Column6 CS District refer to R-80, Column6 (Parking: 22 apartments required 44 parking spaces) and from 3.11, Column 3 Uses by Special Permit, Zoning Board Number 1 (Additions to existing residential structures on same lot as existing residential uses requires a Special Permit) are APPROVED; was presented and moved by Ms. Castelli, seconded by Mr. Quinn, and carried as follows: Mr. Bosco, aye; Mr. Bonomolo, aye; Mr. Sullivan, aye; Ms. Castelli, aye; and Mr. Quinn, aye.

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: June 7, 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-G.M.

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

TOWN CLERK'S OFFICE
2023 JUN 13 P 1:08
TOWN OF ORANGETOWN

FLOOR AREA RATIO VARIANCE APPROVED

To: John Perkins (Kornvein)
PO Box 271
Tomkins Cove, New York 10986

ZBA #23-17
Date: June 7, 2023
Permit #BLDR-3136-23

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA# 23-17: Application of Lisa and John Kornvein for a variance from Zoning Code (Chapter 43) of the Town of Orangetown, R-22 District, Group I, Section 3.12 , Column 4 (Floor Area Ratio: 20 % permitted, 21.6% proposed) for an addition to an existing single-family residence. The premises are located at 420 White Oak Road, Palisades, New York and are identified on the Orangetown Tax Map as Section 77.20, Block 1, Lot 27 in the R-22 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a Hearing held on Wednesday, June 7, 2023 at which time the Board made the determination hereinafter set forth.

John Perkins, Architect and John Kornvein appeared and testified.

The following documents were presented:

1. Survey dated March 2, 2023 signed and sealed by Jay A. Greenwell, P. L.S., LLC.
2. Architectural plans dated January 23, 2023 with a revision date of January 27, 2023 signed and sealed by John Perkins, Architect masked "Issue for ZBA Review Only- not for construction".
3. Two letters of support for the project from neighbors.

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

On advice of Denise Sullivan, Deputy Town Attorney, counsel to the Zoning Board of Appeals, Mr. Sullivan moved for a Board determination that the foregoing application is a Type II action exempt from the State Environmental Quality Review Act (SEQRA), pursuant to SEQRA Regulations §617.5 (c) (11), (12), (16) and/or (17); which does not require SEQRA environmental review. The motion was seconded by Ms. Castelli and carried as follows: Mr. Bosco, aye; Mr. Sullivan, aye; Mr. Bonomolo, aye; Ms. Castelli, aye; and Mr. Quinn, aye.

John Perkins, Architect testified that they are proposing a second-floor addition over the existing covered porch; that they are adding 367 sf and 357 sf needs the variance; that they are proposing to add at the left rear corner of the house; that the only variance being requested is for floor area ratio; that no other area variances are needed; that they are adding additional bedroom and bathroom space; and that they have two letters of support from neighbors.

John Kornvein testified that they purchased the house in 2013 and that there are five people in the family.

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 floor area ratio variance will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. Similar additions have been constructed in the neighborhood.
2. The requested floor area ratio variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. Similar additions have been constructed in the neighborhood.
3. The benefits sought by the applicant cannot be achieved by other means feasible for the applicant to pursue other than by obtaining a variance.
4. The requested floor area ratio variance is not substantial, and affords benefits to the applicant that are not outweighed by the detriment, if any, to the health, safety and welfare of the surrounding neighborhood or nearby community. Similar additions have been constructed in the neighborhood.
5. The applicant purchased the property subject to Orangetown's Zoning Code (Chapter 43) and is proposing a new addition and/or improvements, so the alleged difficulty was self-created, which consideration was relevant to the decision of the Board of Appeals, but did not, by itself, preclude the granting of the area variance.

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

General Conditions:

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

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

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

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


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

The foregoing resolution to approve the application for the requested floor area ratio variance is APPROVED; was presented and moved by Mr. Bonomolo, seconded by Ms. Castelli and carried as follows: Mr. Bosco, aye; Mr. Quinn, aye; Mr. Bonomolo, aye; Mr. Sullivan, aye; and Ms. Castelli, 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: June 7, 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 JUN 13 P 1:09
TOWN OF ORANGETOWN

FRONT YARD AND BUILDING HEIGHT VARIANCES APPROVED

To: John Perkins (Connolly)
PO Box 271
Tompkins "Cove New York 10986

ZBA #23-18
Date: June 7, 2023
Permit #BLDR-3141-23

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA# 23-18: Application of Dermot and Elaine Connolly for variances from Zoning Code (Chapter 43) of the Town of Orangetown, RG District, Group Q, Section 3.12 , Column 8 (Front Yard: 25' required, 22.1 & 21.1 proposed) and 12 (Building Height: Section 5.21 (c) Undersize lot applies: 20' permitted, 22.83' proposed) for an addition to an existing single-family residence. The premises are located at 70 East Lewis Avenue, Pearl River, New York and are identified on the Orangetown Tax Map as Section 68.12, Block 5, Lot 6 in the RG zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a Hearing held on Wednesday, June 7, 2023 at which time the Board made the determination hereinafter set forth.

John Perkins, Architect and Dermot Connolly appeared and testified.

The following documents were presented:

1. Survey dated March 21, 2023 signed and sealed by Anthony R. Celentano, P.E.
2. Architectural plans dated February 21, 2023 with a revision dated of February 28, 2023 signed and sealed by John Perkins, Architect labeled " Issue for ZBA Review only- not for construction".
3. Seven letters in support of the application.
4. Survey bulk table corrected and signed by architect at hearing.

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

John Perkins, Architect, testified that the applicant would like to add onto the first floor of the home to add a proper entry with coat closet and foyer and a small addition to the living room and also add a front porch; that there are several measurements for the front yard, 19.1 is to the stair, 21.1 is to the porch and 22.1 is to the addition; that there will be no change to the second story of the house; that the height is not changing but the lot is undersized and because of that a height variance is required; that there will be an eyebrow roof for the porch and he will mark the bulk table as requested.

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.

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 and building height variances will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The undersized lot was acknowledged. Similar additions have been constructed in the neighborhood.
2. The requested front yard and building height variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. . The undersized lot was acknowledged. 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. . The undersized lot was acknowledged. Similar additions have been constructed in the neighborhood.
4. The requested front yard and building height variances are 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.
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 and building height variances are **APPROVED**; and **FURTHER RESOLVED**, that such decision and the vote thereon shall become effective and be deemed rendered on the date of adoption by the Board of the minutes of which they are a part.

General Conditions:

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

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

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

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

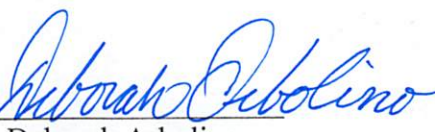
(v) Any foregoing variance or Special Permit will lapse if any contemplated construction of the project or any use for which the variance or Special Permit is granted is not substantially implemented within one year of the date of filing of this decision or that of any other board of the Town of Orangetown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

The foregoing resolution to approve the application for the requested front yard and building height variances are APPROVED; was presented and moved by Mr. Bosco, 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: June 7, 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 JUN 13 P 4:09
TOWN CLERK'S OFFICE