

MINUTES
ZONING BOARD OF APPEALS
October 4, 2023

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

ABSENT: MICHAEL BOSCO

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:

CONSTANTINIDES
8 Jeannes Place
Tappan, New York
77.08 / 3 / 74; R-15 zone

FRONT YARD VARIANCE ZBA#23-37
APPROVED

ANDREOZZI
126 E. Washington Avenue
Pearl River, New York
68.16/ 6 / 23; RG zone

SIDE YARD, TOTAL SIDE YARD VARIANCES APPROVED ZBA#23-38
3.6' SET BACK FOR EXISTING GARAGE,
UNDERSIZE LOT AND EXTENSION OF
NON-CONFORMING BULK ACKNOWLEDGED

EAST COAST BLR
11 Kings Highway
Orangeburg, New York
74.11 / 2 / 4; LIO zone

ACCESSORY OFF-STREET LOADING DOCKS, SIDE YARD ZBA#23-39
AND TOTAL SIDE YARD VARIANCES
APPROVED WITH SPECIFIC CONDITION

TOWN CLERK'S OFFICE

2023 OCT 16 P 1: 58

TOWN OF ORANGETOWN

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 7:50 P.M.

Dated: October 4, 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 OCT 19 P 1:58
TOWN CLERK'S OFFICE

FRONT YARD VARIANCE APPROVED

To: Michael and Cara Constantinides
8 Jeannes Place
Tappan, New York

ZBA #23-37
Date: October 4, 2023
Permit # BLDR-3628-23

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA# 23-37: Application of Michael and Cara Constantinides for a variance from Zoning Code (Chapter 43) of the Town of Orangetown, Section 3.12, R-15 District, Group M, Column 8 (Front Yard: 30' required, 25.1' proposed) for an addition to an existing single-family residence. The premises are located at 8 Jeannes Place, Tappan, New York and are identified on the Orangetown Tax Map as Section 77.08, Block 3, Lot 74 in the R-15 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a Hearing held on Wednesday, October 4, 2023 at which time the Board made the determination hereinafter set forth.

Cara Constantinides appeared and testified.

The following documents were presented:

1. Plot plan based on a survey done by William Youngblood dated 1/30/ 87 and submitted and prepared by Kenny Henderson dated 8/3/ 2023.
2. A computer-generated picture of the proposed addition prepared by Hendo Contracting not dated (3 pages).
3. Two computer generated pictures.

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

Cara Constantinides testified that they purchased the house last February; that they have done the siding, roofing and added soffits; that they are proposing to add a portico over the existing front stairs; that they have double entry doors; that the neighbor across the street has a similar addition, that is not as wide as they are proposing because they have the double doors to accommodate; that the lot is oddly shaped and the house is closer to the street than other houses on the block.

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

TOWN CLERK'S OFFICE

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TOWN OF ORANGETOWN

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 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 front yard variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. Similar additions have been constructed in the neighborhood.
3. The benefits sought by the applicant cannot be achieved by other means feasible for the applicant to pursue other than by obtaining a variance.
4. The requested front yard 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. 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

2023 OCT 19 P 1:59

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 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

2023 OCT 16 P 1:59

TOWN OF ORANGETOWN

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

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

DATED: October 4, 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-M.M.

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

TOWN OF ORANGETOWN
2023 OCT 16 P 1:59
TOWN CLERK'S OFFICE

SIDE YARD, TOTAL SIDE YARD, SECTION 5.2 AND 9.2 VARIANCES APPROVED

To: Terri Andreozzi
126 East Washington Avenue
Pearl River, New York 10965

ZBA #23-38
Date: October 4, 2023
Permit #BLDR-3038-23

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA# 23-38: Application of Terri Andreozzi for variances from Zoning Code (Chapter 43) of the Town of Orangetown, RG District, Section 3.12, Group Q, Columns 9 (Side Yard: 10' required, 7.9' proposed), 10 (Total Side Yard: 20' required, 19.4' proposed) Sections 5.2 (a thru e Undersized lot) and Section 9.2 (Non-Conforming Bulk Applies) for an addition to an existing single-family residence. The premises are located at 126 East Washington Avenue, Pearl River, New York and identified on the Orangetown Tax Map as Section 68.16, Block 6, Lot 23 in the RG zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a Hearing held on Wednesday, October 4, 2023 at which time the Board made the determination hereinafter set forth.

Terri Andreozzi appeared and testified.

The following documents were presented:

1. Site plans Andreozzi Residence dated August 17, 2022 with the latest date September 15, 2022 signed and sealed by Bart M. Rodi, P.E. (1 page)
2. Proposed Addition Andreozzi Residence dated October 25, 2021 with the latest revision date of May 10, 2023 signed and sealed by Bart M. Rodi, P.E. (1page)
3. Eight computer generated pictures of the house and the proposed expansion.

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

Terri Andreozzi testified that she purchased the house 17 years ago; that she did an addition that added a second floor because the original house was only four rooms; that she is now proposing to extend out the same line of the house to take the existing deck and make that area an extension of the kitchen with a slider door to a new deck; that the side yard and total side yard are not changing; that they are extending the existing line; and that the garage is 3.6' from the property line.

TOWN CLERK'S OFFICE

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TOWN OF ORANGETOWN

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 side yard, total side yard ,§ 5.2 and § 9.2 variances will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. Similar additions have been constructed in the neighborhood.
2. The requested side yard, total side yard ,§ 5.2 and § 9.2 variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. Similar additions have been constructed in the neighborhood.
3. The benefits sought by the applicant cannot be achieved by other means feasible for the applicant to pursue other than by obtaining variances.
4. The requested side yard, total side yard ,§ 5.2 and § 9.2 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. 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 OF ORANGETOWN
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TOWN CLERK'S OFFICE

DECISION: In view of the foregoing and the testimony and documents presented, the Board RESOLVED that the application for the requested side yard, total side yard, § 5.2 and § 9.2 variances are APPROVED; and FURTHER RESOLVED, that such decision and the vote thereon shall become effective and be deemed rendered on the date of adoption by the Board of the minutes of which they are a part.

General Conditions:

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

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

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

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

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

TOWN CLERK'S OFFICE
2023 OCT 16 P 1:59
TOWN OF ORANGETOWN

The foregoing resolution to approve the application for the requested side yard, total side yard, § 5.2 and § 9.2 variances are APPROVED; was presented and moved by Mr. Quinn, seconded by Mr. Bonomolo and carried as follows: Ms. Castelli, aye; Mr. Bonomolo, aye; Mr. Sullivan, aye; and Mr. Valentine, aye; and Mr. Quinn, aye. Mr. Bosco was absent.

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

DATED: October 4, 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-M.M.

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

TOWN CLERK'S OFFICE
2023 OCT 16 P 1:59
TOWN OF ORANGETOWN

OFF STREET OUTDOOR LOADING DOCKS, SIDE YARD AND TOTAL SIDE YARD VARIANCES APPROVED WITH SPECIFIC CONDITION

To: Bart Rodi
234 Grant Avenue
Pearl River, New York 10965

ZBA #23-39
Date: October 4, 2023
Permit #BLDC-2053-22

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA# 23-39: Application of East Coast BLR 1993 LLC for variances from Zoning Code (Chapter 43) of the Town of Orangetown, Chapter 43, Section 3.11, LIO District, Column 7 Additional Use Regulations: #2 same as LO, Column 7, #2 (All accessory off-street loading berths shall be within completely enclosed buildings : 3 loading berths required, 1 existing with 3 additional proposed; all outdoor loading berths); and from Section 3.12, LIO District, Column 9 (Side Yard: 100' required, 30.25' proposed) and Column 10 (Total Side Yard: 200' required, 57.4' proposed) for an addition to an existing building. The premises are located at 11 Kings Highway, Orangeburg, New York and are identified on the Orangetown Tax Map as Section 74.11, Block 2, Lot 4 in the LIO zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a Hearing held on Wednesday, October 4, 2023 at which time the Board made the determination hereinafter set forth.

Bart Rodi, P.E., appeared and testified.

The following documents were presented:

1. Plan labeled "East Coast BLR 1993 LLC" dated May 2, 2023, first page: Title Page Vicinity Map; second page: "Proposed Site Plan" last revised August 21, 2023; third page labeled " Proposed Elevations" dated September 15, 2022 and fourth page : "Proposed Warehouse Addition" dated September 15, 2022 signed and sealed by Bart M. Rodi, P.E., (4 pages)
2. Entity Disclosure Form.
3. A memorandum dated June 21, 2023 from Jane Slavin, RA., Director Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, to the Planning Board.
4. Planning Board Decision #23-07 dated June 28, 2023.
5. A letter dated September 27, 2023 from Rockland County Department of Planning signed by Douglas J. Schuetz, Acting Commissioner of Planning.
6. A letter dated October 4, 2023 from Rockland County Sewer District No. 1 signed by Nicholas King, Engineer I.
7. A letter from Dyan Rajasingham, Rockland County Highway Department, dated September 12, 2023.
8. A letter from Rockland County Health Department signed by Liz Mello dated October 2, 2023.

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 Regulations § 617.6 (b)(3); and since the Planning Board conducted SEQRA reviews and, on June 28, 2023 (PB#23-07) 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. Valentine, aye; Mr. Sullivan, aye; Mr. Bonomolo, aye; Ms. Castelli, aye; and Mr. Quinn, aye. Mr. Bosco was absent.

Bart Rodi, Engineer for the project, testified that the building is located behind El Fresca Restaurant; that the building is being rented by an electric parts manufacturer; that they are planning to downsize their operation and Atlantic Labels would like to take over part of the space that they previously used, approximately 8,000 sq. ft. and add an additional 30,000 sq. ft. to the building to accommodate their business; that they would like lease the space and move from Clarkstown to this location; that the lot is oddly shaped; that they have been addressing drainage issues with Bruce Peters, Orangetown DEMA and have no problems addressing the items in the letter from Rockland County Planning dated September 27, 2023; that they have already done a hydrologic analysis; that they will address comment #6 by making the driveway 22' or changing the angle of the parking; that East Coast BLR 1993 LLC owns the building but they work out of a warehouse in Closter, New Jersey; that the electric contractor is going to be there for another ten years to fulfill his lease; that he may use the loading berths for a tractor trailer delivery weekly, but Atlantic Printing uses box trucks for their deliveries; and that he would submit a plan demonstrating the ability of the largest potential vehicle to access the proposed loading berths.

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 off-street outdoor loading docks, 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 applicant has agreed to comply with all of the comments from the letters from involved agencies: Rockland County Planning dated September 27, 2023 comments: 1 through 12; Rockland County Highway letter dated September 12, 2023 comment #1; Rockland County Health Department letter dated October 2, 2023.
2. The requested off-street outdoor loading docks, 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 applicant has agreed to comply with all of the comments from the letters from involved agencies: Rockland County Planning dated September 27, 2023 comments: 1 through 12; Rockland County Highway letter dated September 12, 2023 comment #1; Rockland County Health Department letter dated October 2, 2023.

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 off-street outdoor loading docks, 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 applicant has agreed to comply with all of the comments from the letters from involved agencies: Rockland County Planning dated September 27, 2023 comments: 1 through 12; Rockland County Highway letter dated September 12, 2023 comment #1; Rockland County Health Department letter dated October 2, 2023.
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 off-street outdoor loading docks, side yard and total side yard variances are APPROVED; and FURTHER RESOLVED that the applicant will satisfactorily address all of the comments from the involved agencies: Rockland County Planning dated September 27, 2023 comments: 1 through 12; Rockland County Highway letter dated September 12, 2023 comment #1; Rockland County Health Department letter dated October 2, 2023 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 off-street outdoor loading docks, side yard and total side yard variances are APPROVED; and FURTHER RESOLVED that the applicant will satisfactorily address all of the comments from the involved agencies: Rockland County Planning dated September 27, 2023 comments: 1 through 12; Rockland County Highway letter dated September 12, 2023 comment #1; Rockland County Health Department letter dated October 2, 2023 and FURTHER RESOLVED, was presented and moved by Mr. Sullivan, seconded by Mr. Quinn and carried as follows: Mr. Valentine, aye; Mr. Bonomolo, aye; Mr. Sullivan, aye; Ms. Castelli, aye; and Mr. Quinn, aye. Mr. Bosco was absent.

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

DATED: October 4, 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-M.M.

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

TOWN CLERK'S OFFICE
2023 OCT 16 P 2:00
TOWN OF ORANGETOWN