

MINUTES
ZONING BOARD OF APPEALS
October 19, 2016

MEMBERS PRESENT: PATRICIA CASTELLI
THOMAS QUINN
JOAN SALOMON
MICHAEL BOSCO
LEONARD FEROLDI, ALTERNATE

ABSENT: DAN SULLIVAN

ALSO PRESENT:	Dennis Michaels, Esq.	Deputy Town Attorney
	Ann Marie Ambrose,	Official Stenographer
	Deborah Arbolino,	Administrative Aide

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

MORALES 105 Townline Road Pearl River, NY 64.17 / 1 / 68; R-15 zone	SIDE YARD AND TOTAL SIDE YARD VARIANCES APPROVED	ZBA#16-89
LUSSEN 141 Moehring Drive Blauvelt, NY 70.17/ 3 / 64; R-15 zone	TOTAL SIDE YARD VARIANCE APPROVED	ZBA#16-90
15 CASAZZA PLACE 15 Casazza Place Pearl River, NY 69.10 / 1 / 26; R-15 zone	FLOOR AREA RATIO, SIDE YARD, TOTAL SIDE YARD, AND BUILDING HEIGHT VARIANCES	ZBA#16-91
628 ROUTE 303 628 Route 303 Blauvelt, NY 65.14 / 1 / 9; LI zone	SECTION 6.36 GRAVEL DRIVEWAY VARIANCE APPROVED	ZBA#16-92
BRIGHTVIEW SENIOR LIVING 31 Hunt Road Pearl River, NY 73.15 / 1 / 10; R-80 zone	EXTENSION OF TIME TO IMPLEMENT VARIANCES GRANTED	ZBA#16-93

TOWN CLERKS OFFICE

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TOWN OF ORANGETOWN

BRIGHTVIEW SENIOR LIVING
GENERATOR PERFORMANCE
STANDARDS

31 Hunt Road
Pearl River, NY
73.15 / 1 / 10; R-80 zone

APPROVED

ZBA#16-94

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 applications: Maloney Minor Subdivision Plan, 60 Fisher Avenue, Pearl River, NY; 68.11 / 2 / 70; R-15 zone; and FURTHER RESOLVED, to request to be notified by the Planning Board of SEQRA proceedings, hearings, and determinations with respect to these matters.

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 9:30 P.M.

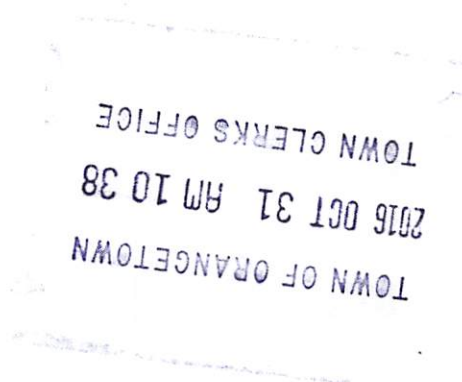
Dated: October 19, 2016

ZONING BOARD OF APPEALS
TOWN OF ORANGETOWN

By *Deborah Arbolino*

Deborah Arbolino, Administrative Aide

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



DECISION

SIDE YARD AND TOTAL SIDE YARD VARIANCES APPROVED

To: Nestor Morales
105 Townline Road
Pearl River, New York 10965

ZBA #16-89
Date: October 19, 2016
Permit # 45228

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#16-89: Application of Nestor Morales for variances from Zoning Code (Chapter 43) of the Town of Orangetown Code, R-15 District, Group M, Section 3.12, Columns 9 (Side Yard: 20' required, 13.1' existing & 14.7' proposed) and 10 (Total Side Yard; 50' required, 27.8' proposed) for an addition to an existing single-family residence. The premises are located at 105 Townline Road, Pearl; River, New York and are identified on the Orangetown Tax Map as Section 64.17, Block 1, Lot 68; in the R-15 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, October 19, 2016 at which time the Board made the determination hereinafter set forth.

Nestor and Carmine Morales appeared and testified.

The following documents were presented:

1. Site plan showing the proposed addition/deck.

Ms. Castelli, Acting Chair, made a motion to open the Public Hearing which motion was seconded by Ms. Salomon and carried unanimously.

On advice of Dennis Michaels, Deputy Town Attorney, counsel to the Zoning Board of Appeals, Ms. Castelli 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) (9), (10), (12) and/or (13); which does not require SEQRA environmental review. The motion was seconded by Ms. Salomon and carried as follows: Ms. Castelli, aye; Ms. Salomon, aye; Mr. Bosco, aye; Mr. Quinn, aye; and Mr. Feroldi, aye. Mr. Sullivan was absent.

Carmine Morales testified that they purchased the house about eight months ago; that they did work on the house without a permit; that they moved up from the city for the schools and did not know that they were doing anything wrong; that when they were told they stopped and got drawings; and made the application and ended up here; that they are sorry for their mistake and are asking permission to finish the work; and that they have four children and one more on the way.

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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.

Ms. Castelli made a motion to close the Public Hearing which motion was seconded by Ms. Salomon and carried unanimously.

FINDINGS OF FACT AND CONCLUSIONS:

After personal observation of the property, hearing all the testimony and reviewing all the documents submitted, the Board found and concluded that the benefits to the applicant if the variance(s) are granted outweigh the detriment (if any) to the health, safety and welfare of the neighborhood or community by such grant, for the following reasons:

1. The requested side yard and total side yard variances will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The lot is long and narrow and the requested changes are extending the existing line of the house.
2. The requested side yard and total side yard variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The lot is long and narrow and the requested changes are extending the existing line of the house.
3. The benefits sought by the applicant cannot be achieved by other means feasible for the applicant to pursue other than by obtaining variances.
4. The requested side yard and total side yard variances, although somewhat substantial, afford 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 lot is long and narrow and the requested changes are extending the existing line of the house.
5. The applicant purchased the property subject to Orangetown's Zoning Code (Chapter 43) and is proposing a new addition and/or improvements, so the alleged difficulty was self-created, which consideration was relevant to the decision of the Board of Appeals, but did not, by itself, preclude the granting of the area variances.

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


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The foregoing resolution to approve the application for the requested side yard and total side yard variances was presented and moved by Mr. Feroldi, seconded by Mr. Bosco and carried as follows: Mr. Bosco, aye; Mr. Feroldi, aye; Mr. Quinn, aye ;Ms. Castelli, aye; and Ms. Salomon, aye. Mr. Sullivan 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 19, 2016

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 CLERKS OFFICE
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TOWN OF ORANGETOWN

DECISION

TOTAL SIDE YARD VARIANCE APPROVED

To: Edward and Barbara Lussen
141 Moehring Drive
Blauvelt, New York 10913

ZBA #16-90
Date: October 19, 2016
Permit # 45606

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA# 16-90: Application of Edward and Barbara Lussen for a variance from Zoning Code (Chapter 43) of the Town of Orangetown Code, R-15 District, Group M, Section 3.12, Column 10 (Total Side Yard: 50' required, 45' proposed) for an addition to an existing single-family residence. The premises are located at 141 Moehring Drive, Blauvelt, New York and are identified on the Orangetown Tax Map as Section 70.17, Block 3, Lot 64; R-15 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, October 19, 2016 at which time the Board made the determination hereinafter set forth.

Edward Lussen appeared and testified.

The following documents were presented:

1. Architectural plans dated June 2, 2016 by Robert Hoene, Registered Architect. (2 pages)

Ms. Castelli, Acting Chair, made a motion to open the Public Hearing which motion was seconded by Ms. Salomon and carried unanimously.

On advice of Dennis Michaels, Deputy Town Attorney, counsel to the Zoning Board of Appeals, Ms. Castelli 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) (9), (10), (12) and/or (13); which does not require SEQRA environmental review. The motion was seconded by Ms. Salomon and carried as follows: Ms. Castelli, aye; Ms. Salomon, aye; Mr. Bosco, aye; Mr. Quinn, aye; and Mr. Feroldi, aye. Mr. Sullivan was absent.

Edward Lussen testified that they did the first part of the work on the house in 2003 and this is the phase II of their plan; that they are adding a master bedroom, closets, and a master bathroom; that the proposal is being built over the existing footprint; that he was surprised when he was referred to the zoning board because he is not changing the existing total side yard; that almost all of his neighbors have done similar additions and this proposal fits into the character of the neighborhood.

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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.

Ms. Castelli made a motion to close the Public Hearing which motion was seconded by Ms. Salomon and carried unanimously.

FINDINGS OF FACT AND CONCLUSIONS:

After personal observation of the property, hearing all the testimony and reviewing all the documents submitted, the Board found and concluded that the benefits to the applicant if the variance(s) are granted outweigh the detriment (if any) to the health, safety and welfare of the neighborhood or community by such grant, for the following reasons:

1. The requested total side yard variance will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The house sits on the lot in this location and adding a second story is not changing the existing total side yard.
2. The requested total side yard variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The house sits on the lot in this location and adding a second story is not changing the existing total side yard.
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 total side yard variance is not substantial. The house sits on the lot in this location and adding a second story is not changing the existing total side yard.
5. The applicant purchased the property subject to Orangetown's Zoning Code (Chapter 43) and is proposing a new addition and/or improvements, so the alleged difficulty was self-created, which consideration was relevant to the decision of the Board of Appeals, but did not, by itself, preclude the granting of the area variances.

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

General Conditions:

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

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

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

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

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


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The foregoing resolution to approve the application for the requested total side yard variance was presented and moved by Mr. Bosco, seconded by Ms. Salomon and carried as follows: Mr. Bosco, aye; Mr. Feroldi, aye; Mr. Quinn, aye ;Ms. Castelli, aye; and Ms. Salomon, aye. Mr. Sullivan 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 19, 2016

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 OF ORANGETOWN
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TOWN CLERKS OFFICE

DECISION

FLOOR AREA RATIO, SIDE YARD, TOTAL SIDE YARD, AND BUILDING HEIGHT VARIANCES APPROVED

To: Timothy Harris
34 Hoover Street
Blauvelt, New York 10913

ZBA #16-91
Date: October 19, 2016
Permit # 45809

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#16-91: Application of Timothy Harris (15 Casazza Place) for variances from Zoning Code (Chapter 43) of the Town of Orangetown Code, R-15 District, Group M, Columns 4 (Floor Area Ratio: .20 permitted, .25 proposed), 9 (Side Yard: 30' required, 15' proposed), 10 (Total Side Yard: 50' required, 30' proposed) and 12 (Building Height: 15' permitted, 27' proposed) for the construction of a new single-family residence. The premises are located at 15 Casazza Place, Pearl River, New York and are identified on the Orangetown Tax Map as Section 69.10, Block 1, Lot 26; in the R-15 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, October 19, 2016 at which time the Board made the determination hereinafter set forth.

Tim Harris appeared and testified.

The following documents were presented:

1. Site plan for 15 Casazza Place LLC dated September 1, 2016 signed and sealed by Robert E. Sorace, PLS.
2. Architectural plans dated September 16, 2016 by Harry J. Goldstein, Registered Architect.

Ms. Castelli, Acting Chair, made a motion to open the Public Hearing which motion was seconded by Ms. Salomon and carried unanimously.

On advice of Dennis Michaels, Deputy Town Attorney, counsel to the Zoning Board of Appeals, Ms. Castelli 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) (9), (10), (12) and/or (13); which does not require SEQRA environmental review. The motion was seconded by Ms. Salomon and carried as follows: Ms. Castelli, aye; Ms. Salomon, aye; Mr. Bosco, aye; Mr. Quinn, aye; and Mr. Feroldi, aye. Mr. Sullivan was absent.

Tim Harris testified that the original house was removed about three weeks ago; that it was a Sears kit house, one story ranch on a slab; that the house had an addition built onto to left that was about three or four feet from the property line; that the existing house was in poor shape and not worth saving; that the lot is undersized in width at only 75 feet wide and undersized in lot area 4,750 sq. ft., that he is proposing to build a 45 foot wide house with two fifteen foot side yards; that the house will be two stories with four bedrooms and 2 ½ baths; that he is building it for re-sale; and there are other house similar to this in the neighborhood, #70 & #71 Reld Street around the corner and the Gillespie house.

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Public Comment:

Joshua Gillespie, 21 Casazza Place testified that he is as abutting neighbor in the new house that was built in 2008; that there had been a ranch on his lot and it was demolished and his house was built; that his house is 17' from the property line and his driveway is on that side; that he believes that the former house was about 25' away from the property line; that he has a garage in the rear of the property that is 3' from the property line; that the combined side yard distance means that there is about 30' from his house to this new house and he would recommend that the new house be off set a little bit more, by placing it further back on the property because he is going to suffer a loss of privacy; and nowhere else in the neighborhood are there similar side yard setbacks.

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.

Ms. Castelli made a motion to close the Public Hearing which motion was seconded by Ms. Salomon 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, side yard, total side yard and building height variances will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. Similar houses have been built in the neighborhood on similar sized lots.
2. The requested floor area ratio, side yard, total side yard, and building height variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. . Similar houses have been built in the neighborhood on similar sized lots.
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 floor area ratio, side yard, total side yard and building height variances, although somewhat substantial, afford 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 houses have been built in the neighborhood on similar sized lots.
5. The applicant purchased the property subject to Orangetown's Zoning Code (Chapter 43) and is proposing a new addition and/or improvements, so the alleged difficulty was self-created, which consideration was relevant to the decision of the Board of Appeals, but did not, by itself, preclude the granting of the area variances.

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TOWN OF ORANGETOWN

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

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The foregoing resolution to approve the application for the requested floor area ratio, side yard, total side yard and building height variances was presented and moved by Mr. Quinn, seconded by Mr. Bosco and carried as follows: Mr. Bosco, aye; Mr. Feroldi, aye; Mr. Quinn, aye ;Ms. Castelli, aye; and Ms. Salomon, aye. Mr. Sullivan 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 19, 2016

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 OF ORANGETOWN
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TOWN CLERKS OFFICE

DECISION

§6.36 GRAVEL PARKING AREA VARIANCE APPROVED

To: Donald Brenner (628 Route 303)
4 Independence Avenue
Tappan, New York 10983

ZBA #16-92
Date: October 19, 2016
Permit # 44701

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#16-92: Application of 628 Route 303 for a variance from Zoning Code (Chapter 43) of the Town of Orangetown Code, LI District, Group E, Section 6.36 (All open parking areas shall be paved: gravel parking existing and proposed) for an internal commercial subdivision. The premises are located at 628 Route 303, Blauvelt, New York and are identified on the Orangetown Tax Map as Section 65.14, Block 1, Lot 9; in the LI zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, October 19, 2016 at which time the Board made the determination hereinafter set forth.

Jennifer Chaitin, Applicant and Donald Brenner, Attorney appeared and testified.

The following documents were presented:

1. Survey for 628 Route 303 dated 04/13/2015 with the latest revision date of August 23, 2016 signed and sealed by Steven J. Collazuol, P.E. & L.S..
2. A letter dated October 5, 2016 from the County of Rockland Department of Planning signed by Douglas J. Schuetz, Acting Commissioner of Planning.
3. A letter dated September 14 2016 from the County of Rockland Department of Health signed by Scott McKane, P.E., Senior Public Health Engineer.
4. A letter dated October 18, 2016 from the Rockland County Highway Department signed by Sonny Lin, P.E.

Ms. Castelli, Acting Chair, made a motion to open the Public Hearing which motion was seconded by Ms. Salomon and carried unanimously.

On advice of Dennis Michaels, Deputy Town Attorney, counsel to the Zoning Board of Appeals, Ms. Castelli 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 this application, pursuant to coordinated review under the State Environmental Quality Review Act Regulations § 617.6 (b)(3); and since the Planning Board conducted a SEQRA review and, on June 22, 2016 rendered an environmental determination of no significant adverse environmental impacts to result from the proposed land use actions (i.e. a "Negative Declaration" or "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. Salomon and carried as follows: Ms. Castelli, aye; Ms. Salomon, aye; Mr. Bosco, aye; Mr. Quinn, aye; and Mr. Feroldi, aye. Mr. Sullivan was absent.

Donald Brenner testified that this building and the parking lot have existed in its present condition for many years; that the owners are before the Planning Board for an internal subdivision and are dividing the building for two tenants; and because of this change the applicant needs to apply for a variance for the existing gravel lot, and that they have already complied with request from the Planning Board regarding handicap parking.

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.

Ms. Castelli made a motion to close the Public Hearing which motion was seconded by Ms. Salomon 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 variance, from Section 6.36, gravel parking existing and proposed, will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The gravel parking lot has existed for many years without incident and the applicant has already complied with the request from the Planning Board regarding handicap parking.
2. The requested variance, from Section 6.36, gravel parking existing and proposed, will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The gravel parking lot has existed for many years without incident and the applicant has already complied with the request from the Planning Board regarding handicap parking.
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 variance, from Section 6.36, gravel parking existing and proposed, although somewhat substantial, afford 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 gravel parking lot has existed for many years without incident and the applicant has already complied with the request from the Planning Board regarding handicap parking.
5. The applicant purchased the property subject to Orangetown's Zoning Code (Chapter 43) and is proposing a new addition and/or improvements, so the alleged difficulty was self-created, which consideration was relevant to the decision of the Board of Appeals, but did not, by itself, preclude the granting of the area variances.

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DECISION: In view of the foregoing and the testimony and documents presented, the Board: RESOLVED, that the application for the requested Section 6.36 gravel parking area 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.


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The foregoing resolution to approve the application for the requested Section 6.36 gravel parking area variance was presented and moved by Ms. Salomon, seconded by Ms. Castelli and carried as follows: Mr. Bosco, aye; Mr. Feroldi, aye; Mr. Quinn, aye ;Ms. Castelli, aye; and Ms. Salomon, aye. Mr. Sullivan 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 19, 2016

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-N.A.

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

TOWN OF ORANGETOWN
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TOWN CLERKS OFFICE

DECISION

EXTENSION OF TIME TO IMPLEMENT VARIANCES GRANTED IN ZBA#15-90 EXTENDED UNTIL DECEMBER 2019

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

ZBA #16-93
Date: October 19, 2016
Permit not assigned

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#16-93: Application of Brightview Senior Living for an extension of time to implement the variances that were granted in ZBA #15-90: ZBA#15-90: Application of Brightview Senior Living for variances from Zoning Code (Chapter 43) of the Town of Orangetown Code, R-80 District, Group H, Section 3.11, Column 3 Uses by Special Permit Zoning Board #3 Institutions for the Aged: (no building shall be located within 300' of a lot line: 67' proposed for front yard; 46' proposed for side yard, 24' proposed for rear yard); Section 3.11, R-80 District, Column 6, #6 (Parking 1 space per bed: 160 beds proposed, 160 spaces required, 92 spaces provided); from Section 3.12, R-80 District, Column 2, Group D, Column 4 (Floor Area Ratio: .10 permitted, .67 proposed) and from Section 3.11, R-80 District (part 2), Column 5, #12 (Sign: 1 (One) sign not more than 20 sq. ft. located 25' from any lot line permitted: 0' proposed, location in county right-of-way) for a Senior Living Facility. The premises are located at 31 Hunt Road, Pearl River, New York and are identified on the Orangetown Tax Map as Section 73.15, Block 1, Lot 10; in the R-80 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, October 19, 2016 at which time the Board made the determination hereinafter set forth.

Maria Miller, Diego Villareale, P.E., and Donald Brenner, Attorney appeared and testified.

The following documents were presented:

1. Zoning Board of Appeals Decision #15-90 dated November 18, 2015 .
2. A letter dated September 13, 2016 from Donald Brenner, Attorney for Brightview explaining the reason for the requested extension of time.

Ms. Castelli, Acting Chair, made a motion to open the Public Hearing which motion was seconded by Ms. Salomon and carried unanimously.

On advice of Dennis Michaels, Deputy Town Attorney, counsel to the Zoning Board of Appeals, Ms. Castelli 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 this application, pursuant to coordinated review under the State Environmental Quality Review Act Regulations § 617.6 (b)(3); and since the Planning conducted a SEQRA review and, on September 9, 2015 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"), 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. Salomon and carried as follows: Ms. Castelli, aye; Ms. Salomon, aye; Mr. Bosco, aye; Mr. Quinn, aye; and Mr. Feroldi, aye. Mr. Sullivan was absent.

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Donald Brenner, Attorney, testified that the applicant is working to finalize the financing arrangements with their lenders before beginning the construction and the lenders have concerns with some of the language in the zoning board decision; that the definition of “substantial implementation” is not clear; that the outside date to achieve substantial implementation will occur prior to construction completion , thus putting the zoning approval at risk; that the target date to start construction is late 2016; that planning for an 18 month build and 2 month furniture fixtures and equipment install, the financing company would feel more comfortable with an extension of time to implement and are requesting a December 2019 date for the extension.

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.

Ms. Castelli made a motion to close the Public Hearing which motion was seconded by Ms. Salomon 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 extension of time to implement the prior approval of the variances is granted, outweighs 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 that would warrant Board reconsideration of its prior approval.
2. Applicant stated that they expect construction to begin in the near future.

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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#15-90 is APPROVED and extended until December 2019; 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.

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Brightview Extension of Time
ZBA#16-93
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No permit # assigned

The foregoing resolution to approve the application for the requested extension of time to implement the variances granted in ZBA#15-90 is APPROVED and extended until December 2019 was presented and moved by Ms. Castelli, seconded by Mr. Quinn and carried as follows: Mr. Bosco, aye; Mr. Feroldi, aye; Mr. Quinn, aye ;Ms. Castelli, aye; and Ms. Salomon, aye. Mr. Sullivan 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 19, 2016

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-N.A.

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

TOWN OF ORANGETOWN
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TOWN CLERKS OFFICE

DECISION

CONFORMANCE TO PERFORMANCE STANDARDS APPROVED

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

ZBA #16-94
Date: October 19, 2016
permit not assigned

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#16-94: Application of Brightview Senior Living requesting the Zoning Board of Appeals' review, and determination, of conformance with the Town of Orangetown Zoning Code (Orangetown Code Chapter 43) Section 4.1 Performance Standards: review of an emergency generator for a Senior Living Facility. The premises are located at 31 Hunt Road, Pearl River, New York and are identified on the Orangetown Tax Map as Section 73.15, Block 1, Lot 10; in the R-80 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, October 19, 2016 at which time the Board made the determination hereinafter set forth.

Maria Miller, Diego Villareale, P.E., and Donald Brenner, Attorney, appeared and testified.

The following documents were presented:

1. Site plan dated 06/08/2015 with the latest revision date of 09/18/2016 signed and sealed by Diego A. Villareale, P.E..
2. A booklet labeled "Kohler Power Systems: Model 600REOZVB Spec Sheets; Model KCP-DCTA-2000S Spec Sheets; Model KCS-DCTA-0260S Spec Sheets; with the following section:
Alternator Data; Sound Data; Emissions Data; Dimensional Drawings; Wiring Schematic Diagrams; Battery; Warranty; Certification and Pre-Startup Checklist.
3. Use Subject to Performance Standards Resume of Operations and Equipment dated September 13, 2016 .
4. Fire Prevention Supplement.
5. Planning board Decision # 16-14 dated March 23, 2016.
6. A letter dated October 18, 2016 from Joseph J. Moran, P.E., Department of Environmental Management and Engineering, Town of Orangetown.
7. A memorandum dated October 19, 2016 from the Town of Orangetown Bureau of Fire Prevention from Michael B. Bettmann, Chief Fire Inspector.
8. A letter dated October 11, 2016 from the County of Rockland Department of Planning signed by Douglas J. Schuetz, Acting Commissioner of Planning.
9. A letter dated September 19, 2016 from the County of Rockland Department of Health signed by Scott McKane, P.E., Senior Public Health Engineer.
10. A letter dated October 12, 2016 from the Rockland Country Highway Department signed by Sonny Lin. P.E..

Ms. Castelli, Acting Chair, made a motion to open the Public Hearing which motion was seconded by Ms. Salomon and carried unanimously.

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On advice of Dennis Michaels, Deputy Town Attorney, counsel to the Zoning Board of Appeals, Ms. Castelli moved for a Board determination, based upon the testimony heard by this Board and the facts as presented in the application submissions and in the record, that since the application entails the ZBA engaging in a review to determine compliance with technical requirements the application is exempt from the State Environmental Quality Review Act (SEQRA), pursuant to SEQRA Regulations §617.5 (c) (28); which does not require SEQRA environmental review. The motion was seconded by Ms. Salomon and carried as follows: Mr. Bosco, aye; Ms. Castelli, aye; Mr. Quinn, aye; Mr. Feroldi, aye; and Ms. Salomon, aye. Mr. Sullivan was absent.

Donald Brenner, Attorney, testified that they have already filed for a permit from Rockland County Highway Department for both applications; that the generator they are applying for would be for emergency use only; and he will let the engineer explain further.

Diego Villareale, P.E., testified that the emergency generator would be used if the power was lost; that it is fully enclosed in a sound attenuation system with four sides; that it will be placed near the service area because all of the mechanicals are there and there are no living quarters in that area; that it would be exercised once a week during the day for a short time; that it would be facing toward the Little League Field; that it will be the same kind of unit as they have installed at their facility in Tarrytown; that the sound data is summarized in the information book; that the 3,000 gallon tank should allow the generator to run in case of an emergency for 72 hours.

The Board reviewed the Performance Standards and Fire Supplement forms.

Public Comment:

No public comment.

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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.

Ms. Castelli made a motion to close the Public Hearing which motion was seconded by Ms. Salomon and carried unanimously.

FINDINGS OF FACT AND CONCLUSIONS:

After personal observation of the property, hearing all the testimony and reviewing all of the documents submitted, the Board found and concluded that:

Based upon the information contained in the applicant's Resume of Operations and Equipment and the Fire Prevention Supplement; the report dated October 18, 2016 from Joseph J. Moran, P.E., Commissioner of the Orangetown Department of Environmental Management and Engineering (D.E.M.E.); the report dated October 19, 2016 from Michael B. Bettmann, Chief Fire Inspector, Town of Orangetown Bureau of Fire Prevention (B.F.P.); the report dated October 12, 2016 from Sonny Lin, P.E., Rockland County Highway Department; the report dated September 19, 2016 signed by Scott McKane, P.E., Senior Public Health Engineer, Rockland County Health Department; and the report dated October 11, 2016 signed by Douglas J. Schuetz, Acting Commissioner of Planning, Rockland County Department of Planning; the other documents submitted to the Board and the testimony of Applicant's representatives, the Board finds and concludes that the application conforms with the Performance Standards set forth in Zoning Code Section 4.1, subject to compliance with the orders, rules and regulations of the Orangetown Office of Building, Zoning & Planning Administration & Enforcement, D.E.M.E., and B.F.P., and all other departments having jurisdiction of the premises.

DECISION: In view of the foregoing and the testimony and documents submitted, the Board: RESOLVED, that the Application for Performance Standards Conformance, pursuant to Zoning Code § 4.1, is APPROVED with the following SPECIFIC CONDITIONS: (1) the report dated October 18, 2016 from Joseph J. Moran, P.E., Commissioner of the Orangetown Department of Environmental Management and Engineering (D.E.M.E.); (2) the report dated October 19, 2016 from Michael B. Bettmann, Chief Fire Inspector, Town of Orangetown Bureau of Fire Prevention (B.F.P.); (3) the report dated October 11, 2016 from Sonny Lin, P.E., Rockland County Highway Department; (4) the report dated September 19, 2016 signed by Scott McKane, P.E., Senior Public Health Engineer, Rockland County Health Department; and (5) the report dated October 11, 2016 signed by Douglas J. Schuetz, Acting Commissioner of Planning, Rockland County Department of Planning; shall be complied with; 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.

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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.


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The foregoing Resolution, to approve the application for the requested conformance to Performance Standards with the following conditions: (1) the report dated October 18, 2016 from Joseph J. Moran, P.E., Commissioner of the Orangetown Department of Environmental Management and Engineering (D.E.M.E.); (2) the report dated October 19, 2016 from Michael B. Bettmann, Chief Fire Inspector, Town of Orangetown Bureau of Fire Prevention (B.F.P.); (3) the report dated October 12, 2016 from Sonny Lin, P.E., Rockland County Highway Department; (4) the report dated September 19, 2016 signed by Scott McKane, P.E., Senior Public Health Engineer, Rockland County Health Department; and (5) the report dated October 11, 2016 signed by Douglas J. Schuetz, Acting Commissioner of Planning, Rockland County Department of Planning; shall be complied with; was presented and moved by Ms. Castelli, seconded by Ms. Salomon and carried as follows: Mr. Feroldi, aye; Mr. Salomon, aye; Mr. Quinn, nay ; Mr. Bosco, nay; and Ms. Castelli, aye. Mr. Sullivan 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 19, 2016

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
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BUILDING INSPECTOR-N.A.

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MGMT. and ENGINEERING
FILE, ZBA, PB
CHAIRMAN, ZBA, PB, ACABOR

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