

MINUTES
ZONING BOARD OF APPEALS
April 4, 2018

MEMBERS PRESENT: DAN SULLIVAN
JOAN SALOMON
MICHAEL BOSCO
THOMAS QUINN
LEONARD FEROLDI, ALTERNATE

ABSENT: PATRICIA CASTELLI

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

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

CONTINUED ITEMS:

APPLICATION OF OBZPAE: CONTINUED ZBA# 18-19
IMPLEMENTATION OF SPECIFIC
CONDITIONS FROM ZBA DECISION #17-31
DATED 05/11/2017 REGARDING
API INDUSTRIES INC. d/b/a ALUF PLASTICS
2 Glenshaw Drive
Orangeburg, NY
70.18 / 2 / 15; LI zone

GARCIA SIDE YARD, TOTAL ZBA#18-12
128 Sunset Road SIDE YARD AS MODIFIED AND ACCESSORY
Blauvelt, NY BUILDING HEIGHT VARIANCES
70.09 / 1 / 2; R-40 zone APPROVED

O'BRIEN/MOSCOWITZ CONTINUED ZBA#17-11
75 Sunset Road
Blauvelt, NY
70.09 / 2 / 17; R-15 zone

DONNELLY SIDE YARD VARINCE ZBA#18-16
25 Azaela Drive APPROVED
Nanuet, NY
64.18 / 2/ 69; R-22 zone

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NEW ITEM:

SMITH
96 Wilson Street
Blauvelt, NY
69.15 / 2 / 4; R-15 zone

§4.52, § 4.54 & § 4.58 ZBA#18-20
VARIANCES APPROVED
WITH COVENANT

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: Blauvelt Coach Diner, Conditional Use Permit, 587 Route 303, Blauvelt, NY; 70.10 / 3 / 17; CC zone; Rockland Plastic Surgery Sign Location Plan, 150 Route 304, Pearl River, NY; 72.08 / 1 / 1; LIO zone; Celtic Sheet Metal Site Plan Amendment to Filed Plan request to land bank parking, 1 Corporate Drive, Orangeburg, NY 73.20 / 1 / 32; LIO zone; Griffin Site Plan-Krieger Subdivision Lot #2, 27 Sunrise Lane, Pearl River, NY, 69.18 / 3 / 43.2; R-15 zone; South road, Internal commercial subdivision and site plan new loading docks, 74.07 / 1 / 15; LI 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 9:25 P.M.

Dated: April 4, 2018

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

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DECISION

**SIDE YARD, TOTAL SIDE YARD AND ACCESSORY STRUCTURE HEIGHT
VARIANCES APPROVED AS MODIFIED**

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

ZBA #18-12
Date: February 21, 2018
April 4, 2018
Permit #47120

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#18-12: Application of Arturo Garcia for variances from Zoning Code (Chapter 43) of the Town of Orangetown Code, Section 3.12, R-40 District, Group E, Columns 9 (Side Yard: 30' required, 9' originally proposed, modified to 15') and 10 (Total Side Yard: 80' required, 60.9' proposed, modified to 66.9) and from Section 5.153 (Accessory Structure Height: 15' permitted, 21'7" proposed) for a detached garage at an existing single-family residence. The premises are located at 128 Sunset Road, Blauvelt, New York and are identified on the Orangetown Tax Map as Section 70.09, Block 1, Lot 2; in the R-40 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at meetings held on the following Wednesdays, February 21, 2018 and April 4, 2018 at which time the Board made the determination hereinafter set forth.

Jon Perkins, Architect and Arturo Garcia appeared and testified.

The following documents were presented:

1. Architectural plans dated 12/18/2017 labeled "Proposed Accessory Building for the Garcia Residence" signed and sealed by John Perkins, RA. (Revised plans dated February 28, 2018)

At the February 21, 2018 hearing Ms. Castelli, Acting Chair, made a motion to open the Public Hearing which motion was seconded by Mr. Feroldi and carried unanimously.

Jon Perkins, Architect, testified that the driveway is dictating where the garage is being placed; that the previous owner made the existing garage in the house living space; that there is an existing deck in the rear of the house that must meet the fire separation of 15'; that is also playing into the placement of the garage; that the lot is very wooded in the rear of the property and there if the garage was placed in the rear of the house it would take up the yard area; that there is unfinished attic space in the garage and that they would like a continuance to discuss changes that could be made to increase the side yard and decrease the requested variance.

Public Comment:

No Public comment.

At the April 4, 2018 hearing, John Perkins, Architect and Arturo Garcia appeared.

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John Perkins, Architect, testified that they listened to the Boards suggestions at their last appearance and they moved the garage to increase the side yard from the originally proposed nine feet to fifteen feet; that the deck is still 15' to the garage to accommodate the fire code and he measured from the proposed garage to the neighbors' house and it is approximately forty feet from their property line; that they want the garage to have a front entry because they do not want to increase the driveway creating more impervious surface; and he submitted pictures.

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. 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. The requested side yard and total side yard, as modified, and accessory structure height variances will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The applicant's lot is long and narrow and in order to meet the setbacks for side yard and total side yard the garage would have to be located in the middle of the rear yard. The applicant moved the garage into the rear yard further to allow a fifteen foot side yard.
2. The requested side yard and total side yard, as modified and accessory structure height variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The applicant's lot is long and narrow and in order to meet the setbacks for side yard and total side yard the garage would have to be located in the middle of the rear yard. The applicant moved the garage into the rear yard further to allow a fifteen foot 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.

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4. The requested side yard and total side yard, as modified, and accessory structure 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. The applicant's lot is long and narrow and in order to meet the setbacks for side yard and total side yard the garage would have to be located in the middle of the rear yard. The applicant moved the garage into the rear yard further to allow a fifteen foot 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.

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, as modified, and accessory structure 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.

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(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 side yard and total side yard, as modified, and accessory structure height variances are APPROVED; was presented and moved by Mr. Sullivan, seconded by Mr. Feroldi and carried as follows: Mr. Bosco, aye; Mr. Quinn, aye; Mr. Sullivan, aye; Ms. Salomon, aye; and Mr. Feroldi, aye. Ms. Castelli 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: April 4, 2018

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

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DECISION

SIDE YARD VARIANCE APPROVED

To: Anthony Donnelly
25 Azalea Drive
Nanuet, New York 10954

ZBA #18-16
Date: March 7, 2018
April 4, 2018
Permit #47229

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#18-16: Application of Anthony Donnelly for variances from Zoning Code (Chapter 43) of the Town of Orangetown Code, R-22 District, Section 5.21 (b) Undersized lot applies: (Side Yard: 20' required, 16.3' proposed) for a deck at an existing single-family residence. The premises are located at 25 Azaela Drive, Nanuet, New York and are identified on the Orangetown Tax Map as Section 64.18, Block 2, Lot 69; in the R-22 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at meetings held on the following Wednesdays, March 7, 2018 and April 4, 2018 at which time the Board made the determination hereinafter set forth.

Anthony Donnelly and Kyle VanDyke, Cool Pool, appeared and testified.

The following documents were presented:

1. Deck Plan framing and site plans by GS INDYK Architects Planners dated November 24, 2017 with the latest revision date of February 2, 2018 not signed or sealed.
2. A memorandum dated March 8, 2018 from Jane Slavin, RA, Director, OBZPAE, with an attachment showing the pool.

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

Anthony Donnelly testified that he does have a separate permit for the installation of an in-ground pool and that they added the deck expansion during the construction of the pool.

Kyle VanDyke, Cool Pool, testified that they will return with an as-built survey showing the location of the deck, pool and fence on the property and that it will be done to scale.

Submitted for the Board review April 4, 2018:

1. As built survey dated March 18, 218 signed and sealed by Anthony R. Celentano, P.L.S.
2. Picture of back of house and diagram of deck stairs at other locations.

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

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Kyle VanDyke, Cool Pool, testified that they have the as-built survey, which shows that the deck stairs go into the 20' side yard, and he showed the Board all the other ways to have the stairs from the deck and how those ways would interfere with the rear yard, windows, and views of the pool from the house for safety reasons; that the pool is the proper distance from the house and the fence is on the plans.

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. 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 variance will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The lot is undersized, and the proposed location of the stairs, although they impact the side yard, do not interfere with views of the pool from the hose and these views are important for safety issues.
2. The requested side yard variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The lot is undersized, and the proposed location of the stairs, although they impact the side yard, do not interfere with views of the pool from the hose and these views are important for safety issues.
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 side yard variance, 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 undersized, and the proposed location of the stairs, although they impact the side yard, do not interfere with views of the pool from the hose and these views are important for safety issues.

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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.

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

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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 side yard variance is APPROVED; was presented and moved by Ms. Salomon, seconded by Mr. Quinn and carried as follows: Mr. Bosco, aye; Mr. Quinn, aye; Ms. Salomon, aye; Mr. Feroldi, aye; and Mr. Sullivan, aye. Ms. Castelli 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: April 4, 2018

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-D.M.

TOWN CLERK
HIGHWAY DEPARTMENT
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MGMT. and ENGINEERING
FILE,ZBA, PB
CHAIRMAN, ZBA, PB, ACABOR

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DECISION

SECTIONS 4.52, 4.54 AND 4.58 VARIANCES

To: Paul and Marina Smith
96 Wilson Street
Blauvelt, New York 10913

ZBA #18-20
Date: July 5, 2017
Permit # 46438

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#18:20 : Application of Paul Smith for variances from Zoning Code (Chapter 43) of the Town of Orangetown Code, R-15 District, Section 3.11 Group M, refers to R-80, Column 2, #7 (subordinate dwelling unit clearly subordinate to the main one-family use to occupy no more than 600 sq. ft.) and from Sections 4.52 (No significant exterior change and no new structures built on property within the past 10 years so as to create an additional dwelling unit); Section 4.54 (There shall be only a single front entrance to the dwelling) and 4.58 (The owner who first converts the dwelling subsequent to the effective date of this local law must have resided in said dwelling for at least 15 years). This application is superseding ZBA# 17-52 dated July 5, 2017. The premises are located at 96 Wilson Street, Blauvelt, New York and are identified on the Orangetown Tax Map as Section 69.15, Block 2, Lot 4; in the R-15 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, April 4, 2018 at which time the Board made the determination hereinafter set forth.

Paul and Marina Smith appeared and testified.

The following documents were presented:

1. Architectural plans with site plan, dated January 17, 2018 by Harry Goldstein, Registered Architect (3 pages).
2. 41 pictures of houses in the neighborhood with two front doors.

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

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

Paul Smith testified that they have lived in the town for 18 years; that they were before the Board last time and got approved for the accessory apartment but when they went out for bids on the job, it was a very expensive addition; that they went back to the drawing the board and came up with a plan that is much more cost effective; that the in-law suite will be less than 600 sq. ft.; that they need an additional variance for the second front door; that he took pictures of other houses in the neighborhood that have two front doors; there are 41 houses with two front doors within walking distance of his house; that the proposed second door to the in-law suite will be on the side of the house at the dead-end and will not be seen by anyone other than the neighbor directly across the street; that they will file the covenant; and that he appreciates the Board's time and consideration.

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 Mr. Feroldi 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 Sections 4.52, 4.54 and 4.58 variances will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The proposed addition does not require any area variances and the applicants have been long time Orangetown residents, and provided pictures of 41 houses in the neighborhood that have two front doors.
2. The requested Sections 4.52, 4.54 and 4.58 variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The proposed addition does not require any area variances and the applicants have been long time Orangetown residents, and provided pictures of 41 houses in the neighborhood that have two front doors.
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 Sections 4.52, 4.54 and 4.58 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 proposed addition does not require any area variances and the applicants have been long time Orangetown residents, and provided pictures of 41 houses in the neighborhood that have two front doors.
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 Sections 4.52, 4.54 and 4.58 variances are **APPROVED** with the Specific Condition that The current deeded owners shall execute the Restrictive Covenant required by Orangetown Zoning Code §4.51, which §4.51 requires that the subject home be owner-occupied and that, if the owners cease to occupy the home, the home automatically reverts to only one dwelling unit; which Covenant shall be in form and substance satisfactory to the Town Attorney, and which shall be recorded in the County Clerk's Office at the expense of the Applicant; 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 Sections 4.52, 4.54 and 4.58 variances with the Specific Condition that The current deeded owners shall execute the Restrictive Covenant required by Orangetown Zoning Code §4.51, which §4.51 requires that the subject home be owner-occupied and that, if the owners cease to occupy the home, the home automatically reverts to only one dwelling unit; which Covenant shall be in form and substance satisfactory to the Town Attorney, and which shall be recorded in the County Clerk's Office at the expense of the Applicant; was presented and moved by Mr. Quinn, seconded by Ms. Salomon and carried as follows: Mr. Bosco, aye; Mr. Feroldi, aye; Mr. Quinn, aye; Ms. Salomon, aye. Ms. Castelli 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: April 4, 2018

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-M.M.

TOWN CLERK
HIGHWAY DEPARTMENT
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MGMT. and ENGINEERING
FILE,ZBA, PB
CHAIRMAN, ZBA, PB, ACABOR

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