

MINUTES
ZONING BOARD OF APPEALS
February 21, 2018

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

ABSENT: DAN SULLIVAN
 JOAN SALOMON

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

This meeting was called to order at 7: 00 P.M. by Ms. Castelli, Acting Chair.
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:

BERGSON SUBDIVISION 56 Woods Road Palisades, NY 78.18 / 1 / 3.1 & 3.2; R-80 zone	STREET FRONTAGE VARIANCE FOR LOTS #1, 2 & 3 AND 280-a EXCEPTIONS FOR LOTS #1,2,& 3 APPROVED	ZBA#18-11
GARCIA 128 Sunset Road Blauvelt, NY 70.09 / 1 / 2; R-40 zone	CONTINUED	ZBA#18-12
KARGER 139 Derfuss Lane Blauvelt, NY 69.20 / 2 / 56; R-15 zone	BUILDING HEIGHT VARIANCE APPROVED	ZBA#18-13
NORTON 75 Washington Spring Road Palisades, NY 78.18 / 1 / 15; R-22 zone	FRONT YARD AND BUILDING HEIGHT VARIANCES APPROVED	ZBA#18-14

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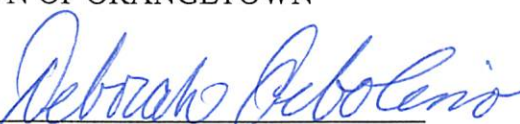
THE DECISIONS RELATED TO THE ABOVE HEARINGS are inserted herein and made part of these minutes.

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 9:00 P.M.

Dated: February 21, 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

**STREET FRONTAGE VARIANCE FOR LOTS #1, #2, AND #3 APPROVED
EXCEPTION/VARIANCE PURSUANT TO N. Y. STATE TOWN LAW SECTION 280-a
(3) GRANTED FOR LOTS #1, #2, AND #3**

To: Jay Greenwell (Bergson Subdivision)
85 Lafayette Avenue
Suffern, New York 10901

ZBA #18-11
Date: February 21, 2018
Permit # Not Assigned

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#18-11: Application of Bergson Subdivision for a variance from Zoning Code (Chapter 43) of the Town of Orangetown Code, Section 3.12, R-80 District, Group A, Column 7 (Street Frontage:100' required, 50' existing & proposed for Lot #1, 0' existing & proposed for lots #2 & #3) and an exception/variance pursuant to New York State Town Law, Section 280-a(3) (Relation of structure to streets or highways for proposed lots #1, #2 & #3) for the proposed four lot residential subdivision. Proposed lot #4 shall be dedicated to NY NJ Trail Conference or to Tallman Mountain State Park. The property is located at 56 Woods Road, Palisades, New York and is identified on the Orangetown Tax Map as Section 78.18, Block 1, Lots 3.1 & 3.2; in the R-80 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, February 21, 2018 at which time the Board made the determination hereinafter set forth.

Simon Bergson and Jay Greenwell, Land Surveyor, appeared and testified.

The following documents were presented:

1. Plans labeled "Subdivision of Property for Bergson" dated 01/13/2015 with the last revision date of 01/03/2017 signed and sealed by Jay A. Greenwell, PLS, LLC.
2. Cover letter dated November 15, 2017 from Jay A. Greenwell, PLS, LLC.
3. A letter dated November 14, 2017 from Edward Goodell, Executive Director NY NJ Trail Conference.
4. Planning Board Decision #16-05 dated June 14, 2017 Preliminary Subdivision Plan Approval Subject to conditions /Neg. Dec. (16 pages).
5. A letter dated February 21, 2018 from the County of Rockland Department of Planning signed by Douglas J. Schuetz, Acting Commissioner of Planning.
6. A letter dated February 14, 2018 from the County of Rockland Sewer District #1 signed by Joseph LaFiandra, Engineer II.
7. A letter dated February 7, 2018 from the Rockland County Health Center for Environmental Health signed by Elizabeth Mello, P.E., Senior Public Health Engineer.

Ms. Castelli, Acting Chair, 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, 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

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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 December 20, 2017, 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 Mr. Quinn and carried as follows: Mr. Bosco, aye; Mr. Feroldi, aye; Ms. Castelli, aye; and Mr. Quinn, aye. Mr. Sullivan and Ms. Salomon were absent.

Jay Greenwell, Land Surveyor, testified that these lots are at the end of Woods Road; that they have been before the Planning Board and received a Preliminary Approval and a neg. dec. for SEQRA on December 20, 2017; that Mr. Bergson was originally requesting 4 lots but the NYNJ Trail Conference approached him and asked for a donation of property for the relocation of a portion of the Long Trail and that is why lot #4 is being dedicated to either Tallman State Park or the trail conference; that there are a couple of small cottages located on the lots and they will remain for now; that there are no plans to develop the lots presently and that is why the Planning Board is granting approval of the lots but they must all come back to Planning for drainage and other approvals at the time of development; and that presently Mr. Bergson is proposing to add sewers to the lots with individual sewer ejection pumps for each lot going to the sewer connection in Route 9W.

Mr. Bergson testified that the existing cottages are presently being rented and one of them used to be a recording studio.

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.

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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 street frontage variance for lots #1, #2 & #3, and for an exception/variance from NYS Town Law § 280-a(3) for lots #1, #2 & #3 will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. An additional lot is being created by the applicant to donate to the NY NJ Trail Conference or Tallman Mountain State Park to relocate part of the Long Path. Presently, the only construction being approved is the new sewer connections for lots #1, 2 & 3. Lots #1, 2 & 3 must return to the Planning Board for full review prior to any proposed development for new structures.
2. The requested street frontage variance for lots #1, #2 & #3, and for an exception/variance from NYS Town Law § 280-a (3) for lots #1, #2 & #3 will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. An additional lot is being created by the applicant to donate to the NY NJ Trail Conference or Tallman Mountain State Park to relocate part of the Long Path. Presently the only construction being approved is the new sewer connections for lots #1, 2 & 3. Lots #1, 2 & 3 must return to the Planning Board for full review prior to any proposed development for new structures.
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 street frontage variance for lots #1, #2 & #3, and for an exception/variance from NYS Town Law § 280-a (3) for lots #1, #2 & #3, 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. An additional lot is being created by the applicant to donate to the NY NJ Trail Conference or Tallman Mountain State Park to relocate part of the Long Path. Presently the only construction being approved is the new sewer connections for lots #1, 2 & 3. Lots #1, 2 & 3 must return to the Planning Board for full review prior to any proposed development for new structures.
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 street frontage variance for lot #1, #2 & #3, and for an exception/ variance from NYS Town Law § 280-a (3) for lots #1, #2 & #3, 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.

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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.

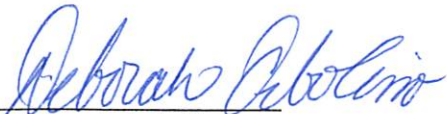
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The foregoing resolution to approve the application for the requested street frontage variance for lot #1, #2 & #3, and for an exception/variance from NYS Town Law § 280-a (3) for lots #1, #2 & #3, is APPROVED; was presented and moved by Mr. Bosco, seconded by Mr. Quinn and carried as follows: Ms. Castelli, aye; Mr. Bosco, aye; Mr. Quinn, aye; and Mr. Feroldi, aye. Mr. Sullivan and Ms. Salomon were absent.

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

DATED: February 21, 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-N.A.

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

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UNDERSIZED LOT BUILDING HEIGHT VARIANCE APPROVED

ZBA #18-13
Date: February 21, 2018
Permit # 47103

ZBA#18-13: Application of Jon Karger for a variance from Zoning Code (Chapter 43) of the Town of Orangetown Code, R-15 District, Section 5.21e (Undersized lot applies, Building Height: 20' permitted, 25' 4" proposed) for an addition to an existing single-family residence. The premises are located at 139 Derfuss Lane, Blauvelt, New York and are identified on the Orangetown Tax Map as Section 69.20, Block 2, Lot 56; in the R-15 zoning district.

Jon Karger appeared and testified.

1. Plot plan based on a survey dated 10/05/1952 by Edward Barbour, PLS.
2. Architectural plans dated 10/26/2017 with the latest revision date cut off, signed and sealed by Harry J. Goldstein, Architect.
3. A letter dated December 19, 2017 from the Rockland County Highway Department signed by Dyan Rajasingham, Engineer III.
4. A letter dated February 20, 2018 from the Rockland County Department of Planning signed by Douglas J. Schuetz, Acting Commissioner of Planning.
5. A letter dated February 7, 2018 from the Rockland County Health Department signed by Elizabeth Mello, P.E..
6. A letter dated February 14, 2018 from the Rockland County Sewer District #1 signed by Joseph LaFiandra, Engineer II.

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 Mr. Quinn and carried as follows: Mr. Bosco, aye; Mr. Quinn, aye; Mr. Feroldi, aye; and Ms. Castelli, aye. Ms. Salomon and Mr. Sullivan were absent.

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Jon Karger testified that he hired Mr. Goldstein as an architect and they submitted plans that they thought were complying with zoning and when they were reviewed they were told they needed a height variance because they were at 21'; that they lowered the height again to 20' but when this was reviewed it was stated that the house still needed a variance because of the height from the rear elevation; that the design is conforming to the neighborhood; that the house to the right has had major renovations and is about 3,000 sq. ft.; that there are two other houses on the same side of the street that are similar and around the loop there are two more that have done extensive work.

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. Quinn 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 building height variance will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The proposed building will not be higher than other buildings in the area. Similar additions have been constructed in the neighborhood.
2. The requested building height variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The proposed building will not be higher than other buildings in the area. 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 building height variance is not substantial. The proposed building will not be higher than other buildings in the area. Similar additions have been constructed in the neighborhood.

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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 building height 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.

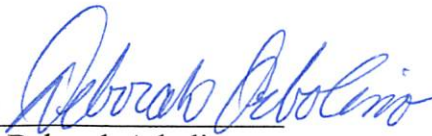
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The foregoing resolution to approve the application for the requested building height variance is APPROVED; was presented and moved by Ms. Castelli, seconded by Mr. Bosco and carried as follows: Mr. Feroldi, aye; Mr. Bosco, aye; Mr. Quinn, aye; and Ms. Castelli, aye. Mr. Sullivan and Ms. Salomon were absent.

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

DATED: February 21, 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

FRONT YARD SETBACK AND BUILDING HEIGHT VARIANCES APPROVED

To: William Bosley (Norton)
12 Sugarhill Road
Nyack, New York 10960

ZBA #18-14
Date: February 21, 2018
Permit # 47188

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#18-14: Application of Graham Norton for a variance from Zoning Code (Chapter 43) of the Town of Orangetown Code, R-22 District, Group I, Section 3.12, Column 8 (Front Yard: 40' required, 11' existing, 19.6' to screened-in porch) and Column 12 (Building Height: 8.25' permitted, 15'2" existing, 15'9" proposed) for an addition of dormers and to legalize an existing screened in porch at an existing single-family residence. The premises are located at 75 Washington Spring Road, Palisades, New York and are identified on the Orangetown Tax Map as Section 78.18, Block 1, Lot 15; in the R-22 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, February 21, 2018 at which time the Board made the determination hereinafter set forth.

William Bosley appeared and testified.

The following documents were presented:

1. Architectural plans dated December 20, 2017 and last revision date of January 29, 2018 signed and sealed by Barry Terach, Architect. (3pages)
2. A letter in support of the application from Richard C. Sears, 24 Lawrence Lane, Palisades.

Ms. Castelli, Acting Chair, made a motion to open the Public Hearing which motion was seconded by Mr. Feroldi 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 Mr. Quinn and carried as follows: Mr. Bosco, aye; Mr. Quinn, aye; Mr. Feroldi, aye; and Ms. Castelli, aye. Ms. Salomon and Mr. Sullivan were absent.

William Bosley testified that the proposed changes to the house are minimal; that they are proposing to add dormers to the right side of the house and raise the roof by 7", which will allow the extremely small bathroom to be enlarged; that they are also adding air conditioning to the east side of the house and updating and legalizing the existing screened in porch; that the new owner purchased the house six months ago and this house is known as the Judy Tompkins House.

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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 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 front yard setback and building height variances will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The front yard variance is not changing because the screened-in porch exists, it is being renovated and the building height is changing slightly to accommodate new dormers.
2. The requested front yard setback and building height variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The front yard variance is not changing because the screened-in porch exists, it is being renovated and the building height is changing slightly to accommodate new dormers.
3. The benefits sought by the applicant cannot be achieved by other means feasible for the applicant to pursue other than by obtaining variances.
4. The requested front yard setback 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. The front yard variance is not changing because the screened-in porch exists, it is being renovated and the building height is changing slightly to accommodate new dormers.
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 front yard setback 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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TOWN ENGINEER'S OFFICE

The foregoing resolution to approve the application for the requested front yard setback and building height variances are APPROVED; was presented and moved by Mr. Feroldi, seconded by Ms. Castelli and carried as follows: Mr. Bosco, aye; Mr. Quinn, aye; Mr. Feroldi, aye; and Ms. Castelli, aye. Mr. Sullivan and Ms. Salomon were absent.

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

DATED: February 21, 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
ASSESSOR
DEPT. of ENVIRONMENTAL
MGMT. and ENGINEERING
FILE,ZBA, PB
CHAIRMAN, ZBA, PB, ACABOR

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