

MINUTES
ZONING BOARD OF APPEALS
November 15, 2017

MEMBERS PRESENT:

JOAN SALOMON
MICHAEL BOSCO
JOAN SALOMON
THOMAS QUINN
PATRICIA CASTELLI (arrived at 8:10)
LEONARD FEROLDI, ALTERNATE

ABSENT: DAN SULLIVAN

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. Salomon, 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

CONTINUED ITEM:

COOPERATIVE LAUNDRY POSTPONED ZBA#17-87
PERFORMANCE STANDARDS
400 Oritani Drive
Blauvelt, NY
70.06 / 1 / 14; R-15 zone

NEW ITEMS:

ALLEN FENCE HEIGHT ZBA#17-88
47 Lafayette Street VARIANCE APPROVED
Tappan, NY
77.06 / 1 / 29.11; R-15 zone

WOLANSKI REAR YARD VARIANCE ZBA#17-89
145 East Central Avenue APPROVED AS MODIFIED
Pearl River, NY
68.16 / 6 / 41; CS zone

PALISADES PRESBYTERIAN SIDE YARD VARIANCE ZBA#17-90
CHURCH APPROVED
117 Washington Spring Road
Palisades, NY
78.18 / 2 / 9; R-22 zone

PRAXAIR SURFACE TECHNOLOGY APPROVED ZBA#17-91
PERFORMANCE STANDARDS
560 Route 303
Orangeburg, NY
70.19 / 1 / 1; LO zone

TOWN CLERK'S OFFICE
2017 DEC - 14 P 2:36
TOWN OF ORANGETOWN

MACROBBIE
375 Orangeburg Road
Pearl River, NY
69.17 / 2 / 36; R-15 zone

BOARD DETERMINED
LOT IS UNDERSIZED
BUILDING HEIGHT VARIANCE
APPROVED

ZBA#17-92

ABBOTT HOUSE
63 Highview Avenue
Orangeburg, NY
74.10 / 1 / 64; CS zone

SPECIAL PERMIT GRANTED

ZBA#17-93

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: New York City Football Club Sign Location Plan, 175 Old Orangeburg Road, Orangeburg, NY; 73.12 / 1 / 3.2; RPC-R 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: November 15, 2017

ZONING BOARD OF APPEALS
TOWN OF ORANGETOWN

By 

Deborah Arbolino, Administrative Aide

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

TOWN CLERK'S OFFICE
2017 DEC - 14 P 2:36
TOWN OF ORANGETOWN

DECISION

§ 5.226 SIX FOOT FRONT YARD FENCE VARIANCE APPROVED; § 5.225 VARIANCE DETERMINED TO BE UNNECESSARY DUE TO MODIFICATION OF PROPOSED FENCE

To: Kimberly Allen
47 Lafayette Street
Tappan, New York 10983

ZBA #17-88
Date: November 15, 2017
Permit #46940

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#17-88: Application of Kimberly Allen for variances from Zoning Code (Chapter 43) of the Town of Orangetown Code, R-15 District, Group M, Section 5.225 (No obstructions over 2.5' in height allowed in 35' sight triangle; 6' proposed) and from Section 5.226 (Fence Height: 4 ½' permitted, 6' proposed) for a six-foot fence in a front yard at an existing single-family residence. The Premises are located at 47 Lafayette Street, Tappan, New York and are identified on the Orangetown Tax Map as Section 77.06, Block 1, and Lot 29.11 in the R-15 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, November 15, 2017 at which time the Board made the determination hereinafter set forth.

Kimberly Allen appeared and testified.

The following documents were presented:

1. Survey dated September 15, 1997 signed and sealed by Robert R. Rahnefeld, L.S. showing where the fence will be installed.
2. Proposal for the fence from a fence company.
3. A letter dated August 23, 2017 from Mike Yannazzone, General Foreman, Deputy Superintendent of Highways, Department of Environmental Management and Engineering.

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

On advice of Dennis Michaels, Deputy Town Attorney, counsel to the Zoning Board of Appeals, Ms. Salomon 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. Bosco and carried as follows: Mr. Feroldi, aye; Ms. Salomon, aye; Mr. Bosco, aye; and Mr. Quinn, aye. Ms. Castelli and Mr. Sullivan were absent for this hearing.

Kimberly Allen testified that she purchased her house in 1997; that she has two front yards according to Town Code; that she always worked two jobs and was not home very much; that this year in February her Mom dies and she lost her son in April; that after these losses she quit her second job and has noticed that there are some transient people in the area; that she has planted a garden and spends time in her yard and has noticed many more people crossing into her yard from the park and kids playing late in the park, sometimes end up in her yard; that she is afraid of someone peeking into her windows or getting hurt on her property; and she would feel more secure if she had the fence; and she could move back to address the corner view issue.

TOWN OF ORANGETOWN
2017 DEC - 4 P 2: 36

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. Salomon 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 § 5.226 six-foot fence variance will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The location of the property is within a small community of houses and this road is not heavily traveled. The proposed §5.225 no obstructions variance is no longer necessary because the fence will be moved away from the corner and will not interfere with traffic or views.
2. The requested § 5.226 six-foot fence variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The location of the property is within a small community of houses and this road is not heavily traveled. The proposed fence will not interfere with traffic or views. The location of the property is within a small community of houses and this road is not heavily traveled. The proposed §5.225 no obstructions variance is no longer necessary because the fence will be moved away from the corner and will not interfere with traffic or views.
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 § 5.226 six-foot fence 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 location of the property is within a small community of houses and this road is not heavily traveled. The proposed §5.225 no obstructions variance is no longer necessary because the fence will be moved away from the corner and will not interfere with traffic or views.
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.

2017 DEC -4 P 2:36
TOWN OF ORANGETOWN

DECISION: In view of the foregoing and the testimony and documents presented, the Board RESOLVED that the application for the requested § 5.226 six-foot fence height variance is APPROVED with the Specific Condition that the fence be located outside of the area restricted by § 5.225; and FURTHER RESOLVED, that such decision and the vote thereon shall become effective and be deemed rendered on the date of adoption by the Board of the minutes of which they are a part.

General Conditions:

- (i) The approval of any variance or Special Permit is granted by the Board in accordance with and subject to those facts shown on the plans submitted and, if applicable, as amended at or prior to this hearing, as hereinabove recited or set forth.
- (ii) Any approval of a variance or Special Permit by the Board is limited to the specific variance or Special Permit requested but only to the extent such approval is granted herein and subject to those conditions, if any, upon which such approval was conditioned which are hereinbefore set forth.
- (iii) The Board gives no approval of any building plans, including, without limitation, the accuracy and structural integrity thereof, of the applicant, but same have been submitted to the Board solely for informational and verification purposes relative to any variances being requested.
- (iv) A building permit as well as any other necessary permits must be obtained within a reasonable period of time following the filing of this decision and prior to undertaking any construction contemplated in this decision. To the extent any variance or Special Permit granted herein is subject to any conditions, the building department shall not be obligated to issue any necessary permits where any such condition imposed should, in the sole judgment of the building department, be first complied with as contemplated hereunder. Occupancy will not be made until, and unless, a Certificate of Occupancy is issued by the Office of Building, Zoning and Planning Administration and Enforcement which legally permits such occupancy.
- (v) Any foregoing variance or Special Permit will lapse if any contemplated construction of the project or any use for which the variance or Special Permit is granted is not substantially implemented within one year of the date of filing of this decision or that of any other board of the Town of Orangetown granting any required final approval to such project, whichever is later, but in any event within two years of the filing of this decision. Merely obtaining a Building Permit with respect to construction or a Certificate of Occupancy with respect to use does not constitute "substantial implementation" for the purposes hereof.


TOWN CLERK'S OFFICE
2017 DEC -4 P 2:36
TOWN OF ORANGETOWN

The foregoing resolution to approve the application for the requested §5.226 six-foot fence height variance, with the Specific Condition that the fence be located outside of the area restricted by § 5.225; was presented and moved by Mr. Bosco, seconded by Mr. Quinn and carried as follows: Mr. Bosco, aye; Mr. Feroldi, aye; Mr. Quinn, aye; and Ms. Salomon, aye. Ms. Castelli and Mr. Sullivan were absent for this hearing.

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: November 15, 2017

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
2017 DEC -4 P 2:36
TOWN CLERK'S OFFICE

DECISION

REAR YARD VARIANCE APPROVED AS MODIFIED TO 10' SETBACK

To: Anthony Wolanski
145 East Central Avenue
Pearl River, New York 10965

ZBA #17-89
Date: November 15, 2017
Permit # 46867

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#17-89: Application of Anthony Wolanski for variances from Zoning Code (Chapter 43) of the Town of Orangetown Code, CS District, Section 3.12, Group FF, Columns 9 (Side Yard: 0' or 12' required, 5' proposed) and 11 (Rear Yard: 25' required, 5' proposed) for a shed at an existing non-conforming two-family residence. The premises are located at 145 East Central Avenue, Pearl River, New York and are identified on the Orangetown Tax Map as Section 68.16, Block 6, and Lot 41; in the CS zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, November 15, 2017 at which time the Board made the determination hereinafter set forth.

Anthony Wolanski and Theresa O'Rourke appeared and testified.

The following documents were presented:

1. Plot plan for new shed dated 8/29/2017 signed and sealed by Jane Slavin, Architect.
2. A picture of the proposed 12' x 20' barn design shed.
3. A letter dated November 10, 2017 from the Rockland County Department of Planning signed by Douglas J. Schuetz, Acting Commissioner of Planning.
4. A letter dated October 13, 2017 from the Rockland County Highway Department signed by Joseph Arena, Senior Engineering Technician.
5. A copy of an e-mail dated October 10, 2017 from Susan Perzigian, 138 E. Washington Avenue, Pearl River, and abutting property owner with six pictures attached in opposition of the project.

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

On advice of Dennis Michaels, Deputy Town Attorney, counsel to the Zoning Board of Appeals, Ms. Salomon 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. Bosco and carried as follows: Mr. Feroldi, aye; Ms. Salomon, aye; Mr. Bosco, aye; and Mr. Quinn, aye. Ms. Castelli, and Mr. Sullivan were absent for this hearing.

Anthony Wolanski testified that he owned property in Chestnut Ridge and he had the shed on that property; that he would like to move the shed to this property because he sold his property in Chestnut Ridge; that the existing garage is 40' from the rear property line; that he cannot place the shed 25' from the rear property line without requiring a variance for the building being too close to the existing garage; that he would like to have a garden; that he could move the shed to be 12' from the side yard and 10' from the rear yard; that the property is lower than his neighbor to the rear and the berm with arborvitae are much higher than his property; that the property is long and narrow; and the lot slopes down; and the shed is 12' x 20' and it won't block the sun.

Public Comment:

Susan Perzigian, 138 East Washington Avenue, Pearl River, testified that she is against the shed being constructed so close to her property; that she spent \$8,000.00 on plantings and a sprinkler system and does not want a giant shed to block the sun from her arborvitae that were planted last year; that she did an addition to her house and did it within the zoning restrictions and her neighbor should do the same.

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. Salomon 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 rear yard variance as modified to a 10' setback will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The applicant agreed to move the shed to accommodate a 12' side yard setback, eliminating the need for the side yard variance. The applicant agreed to move the shed an additional five feet further away from the rear yard to accommodate the neighbor, requesting a ten foot rear yard setback rather than the original request of a five foot setback.
2. The requested rear yard variance as modified will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The applicant agreed to move the shed to accommodate a 12' side yard setback, eliminating the need for the side yard variance. The applicant agreed to move the shed an additional five feet further away from the rear yard to accommodate the neighbor, requesting a ten foot rear yard setback rather than the original request of a five foot setback.
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 rear yard variance as modified, 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 agreed to move the shed to accommodate a 12' side yard setback, eliminating the need for the side yard variance. The applicant agreed to move the shed an additional five feet further away from the rear yard to accommodate the neighbor, requesting a ten foot rear yard setback rather than the original request of a five foot setback.
5. The applicant purchased the property subject to Orange Town's Zoning Code (Chapter 43) and is proposing a new addition and/or improvements, so the alleged difficulty was self-created, which consideration was relevant to the decision of the Board of Appeals, but did not, by itself, preclude the granting of the area variance.

TOWN CLERK'S OFFICE

Orange Town's Zoning Code

2017-2019

2017-2019

DECISION: In view of the foregoing and the testimony and documents presented, the Board RESOLVED that the application for the requested rear yard variance as modified to a 10' setback is APPROVED and the request for the side yard variance is no longer necessary, because the applicant is providing a 12' side yard setback; and FURTHER RESOLVED that such decision and the vote thereon shall become effective and be deemed rendered on the date of adoption by the Board of the minutes of which they are a part.

General Conditions:

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

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

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

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

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

TOWN CLERK'S OFFICE
2017 DEC -4 P 2:36
TOWN OF ORANGETOWN

The foregoing resolution to approve the application for the requested rear yard variance as modified to a 10' setback and to find that the request for the side yard variance is no longer necessary due to the applicant agreeing to a 12' side yard setback; was presented and moved by Mr. Feroldi, seconded by Mr. Quinn and carried as follows: Mr. Bosco, aye; Mr. Feroldi, aye; Mr. Quinn, aye; and Ms. Salomon, aye. Ms. Castelli and Mr. Sullivan were absent for this hearing.

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: November 15, 2017

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
2017 DEC -4 P 2:36
TOWN CLERK'S OFFICE

DECISION

SIDE YARD VARIANCE APPROVED

To: William Pfaff (Palisades Presbyterian)
208 Foss Drive
Upper Nyack, New York 10960

ZBA #17-90
Date: November 15, 2017
Permit # 46856

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#17-90: Application of Palisades Presbyterian Church for a variance from Chapter 43 (Zoning) of the Town of Orangetown Code, R-22 District, Group J, Section 3.12, Column 9 (Side Yard: 30' required, 24' proposed) for a new handicapped accessible main entrance ramp and covered entry at the church. The premises are located at 117 Washington Spring Road, Palisades, New York and are identified on the Orangetown Tax Map as Section 78.18, Block 2, and Lot 9; in the R-22 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, November 15, 2017 at which time the Board made the determination hereinafter set forth.

William Pfaff, Architect, appeared and testified.

The following documents were presented:

1. Architectural plans dated September 5, 2017 with the latest revision date of by William E. Pfaff, Registered Architect.
2. Two photographs of the church (8"x 10").

Ms. Salomon, 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. Salomon moved for a Board determination that the foregoing application seeks area or bulk variances for construction or expansion of primary, or accessory or appurtenant, non-residential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls; this application is exempt from the State Environmental Quality Review Act (SEQRA), pursuant to SEQRA Regulation §617.5 (c) (7); which does not require SEQRA environmental review. The motion was seconded by Ms. Castelli and carried as follows: Mr. Feroldi, aye; Ms. Castelli, aye; Mr. Quinn, aye; Mr. Bosco, aye; and Ms. Salomon, aye. Mr. Sullivan was absent.

William Pfaff, Architect, testified that the church would like to add a handicap ramp on the west side of the church, to reconfigure the steps and add a covered walkway on the east side of the building that would go into the church office; that the variance is required because of the covered church office entrance on the east side of the building; and he showed the Board two pictures of the church.

TOWN OF ORANGETOWN
2017 DEC -14 P 2:36
TOWN CLERK'S OFFICE

Public Comment:

No public comment.

The Board members made personal inspections of the premises the week before the meeting and found them to be properly posted and as generally described on the application.

A satisfactory statement in accordance with the provisions of Section 809 of the General Municipal Law of New York was received.

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

FINDINGS OF FACT AND CONCLUSIONS:

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

1. The requested side yard variance will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The request is reasonable and the existing Church was built 105 years ago before the Zoning Code existed, and its present location on the lot does not meet the Zoning Code requirements on the east side.
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 request is reasonable and the existing Church was built 105 years ago before the Zoning Code existed, and its present location on the lot does not meet the Zoning Code requirements on the east side.
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 request is reasonable and the existing Church was built 105 years ago before the Zoning Code existed, and its present location on the lot does not meet the Zoning Code requirements on the east side.
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.

TOWN CLERK'S OFFICE
2017 DEC -4 P 2:36
TOWN OF ORANGETOWN

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 the Town of Orangetown granting any required final approval to such project, whichever is later, but in any event within two years of the filing of this decision. Merely obtaining a Building Permit with respect to construction or a Certificate of Occupancy with respect to use does not constitute "substantial implementation" for the purposes hereof.

TOWN CLERK'S OFFICE
2017 DEC -4 P 2:36
TOWN OF ORANGETOWN

The foregoing resolution to approve the application for the requested side yard variance 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. Salomon, aye; 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: November 15, 2017

ZONING BOARD OF APPEALS
TOWN OF ORANGETOWN

By 
Deborah Arbolino
Administrative Aide

DISTRIBUTION:

APPLICANT
ZBA MEMBERS
SUPERVISOR
TOWN BOARD MEMBERS
TOWN ATTORNEY
DEPUTY TOWN ATTORNEY
OBZPAE
BUILDING INSPECTOR-M.M.

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

TOWN OF ORANGETOWN
2017 DEC -14 P 2:36
TOWN CLERK'S OFFICE

DECISION

CONFORMANCE TO PERFORMANCE STANDARDS APPROVED

To: Hussam Boktor (Praxair Perf. Standards) ZBA #17-91
542 Route 303 Date: November 15, 2017
Orangeburg, New York 10962 Permit #46826

FROM: ZONING BOARD OF APPEALS of the Town of Orangetown

ZBA#17-91: Application of Praxair Surface Technology 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 a cooling tower at an existing commercial use building. The building is located at 560 Route 303, Orangeburg, New York and is identified on the Orangetown Tax Map as Section 70.19, Block 1, Lot 1; in the LO zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, November 15, 2017 at which time the Board made the determination hereinafter set forth.

Hussam Boktor, project manager, appeared and testified.

The following documents were presented:

1. Cooling Tower Support Structure dated 02/03/2017 with the latest revision date of 07/11/2017 by Ryan Nasher, P.E., Atzl, Nasher & Zigler, P.C..
2. Site Plan for Materials Research Corp. dated 10/10/1994.
3. Use Subject to Performance Standards Resume of Operations and Equipment dated October 10, 2017 .
4. Evapco Submittal Package: Performance and Mechanical Specifications, Cooling Tower drawings and two certificate of compliance certificates.
5. Fire Prevention Supplement.
6. Suez cooling tower tests (5 pages).
7. A letter dated November 14, 2017 from Joseph J. Moran, P.E., Department of Environmental Management and Engineering, Town of Orangetown.
8. A memorandum dated November 2, 2017 from the Town of Orangetown Bureau of Fire Prevention from Michael B. Bettmann, Chief Fire Inspector.
9. A letter dated October 13, 2017 from the Rockland County Highway Department signed by Joseph Arena, Senior Engineering Technician.

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

On advice of Dennis Michaels, Deputy Town Attorney, counsel to the Zoning Board of Appeals, Ms. Salomon 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 a Type II action 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. Castelli and carried as follows: Mr. Feroldi, aye; Ms. Salomon, aye; Ms. Castelli, aye; Mr. Quinn, aye; and Mr. Bosco, aye. Mr. Sullivan was absent.

Hussam Boktor, project manager, testified that they are proposing a new cooling tower and they use the two existing cooling towers on the adjacent building; that the tower will cool 160 gallons of water per minute; that the steam dissipates into the air and evaporates; that the tower must meet NYS emissions; and that he has papers to submit from Suez for the file.

The Board reviewed the Performance Standards and Fire Supplement forms.

Public Comment:

No public comment.

The Board members made personal inspections of the premises the week before the meeting and found them to be properly posted and as generally described on the application.

A satisfactory statement in accordance with the provisions of Section 809 of the General Municipal Law of New York was received.

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

FINDINGS OF FACT AND CONCLUSIONS:

After personal observation of the property, hearing all the testimony and reviewing all 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 November 14, 2017 from Joseph J. Moran, P.E., Commissioner of the Town of Orangetown Department of Environmental Management and Engineering (D.E.M.E.); the report dated November 12, 2017 from Michael B. Bettmann, Chief Fire Inspector, Town of Orangetown Bureau of Fire Prevention (B.F.P.); 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., B.F.P., and all other departments having jurisdiction of the premises.

TOWN OF ORANGETOWN
2017 DEC -4 P 2:37
TOWN CLERK'S OFFICE

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 November 14, 2017 from Joseph J. Moran, P.E., Commissioner of D.E.M.E.; (2) the report dated November 2, 2017 from Michael B. Bettmann, Chief Fire Inspector, B.F.P.; 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.

General Conditions:

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


TOWN CLERK'S OFFICE
2017 DEC -4 P 2:37
TOWN OF ORANGETOWN

The foregoing Resolution, to approve the application for the requested conformance to Performance Standards with the following conditions: (1) the report dated November 14, 2017 from Joseph J. Moran, P.E., Commissioner D.E.M.E.; (2) the report dated November 2, 2017 from Michael B. Bettmann, Chief Fire Inspector, B.F.P.; shall be complied with; was presented and moved by Mr. Bosco, seconded by Ms. Salomon and carried as follows: Mr. Feroldi, aye; Ms. Salomon, aye; Ms. Castelli, aye; Mr. Bosco, aye; and Mr. Quinn, 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: November 15, 2017

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

TOWN CLERK'S OFFICE
2017 DEC -4 P 2:37
TOWN OF ORANGETOWN

DECISION

SIDE YARD AND TOTAL SIDE YARD VARIANCES NOT REQUIRED: LOT IS UNDERSIZED; BUILDING HEIGHT VARIANCE APPROVED

To: Jeremy Mac Robbie
375 Orangeburg Road
Pearl River, New York 10965

ZBA #17-92
Date: November 15, 2017
Permit #46976

FROM: ZONING BOARD OF APPEALS of the Town of Orangetown

ZBA#17-92: Application of Jeremy and Megan MacRobbie for variances from Zoning Code (Chapter 43) of the Town of Orangetown Code, R-15 District, Section 3.12, Group M, Columns 9 (Side Yard: 20' required, 17.5' proposed), 10 (Total Side Yard: 50' required, 39.1' proposed) and **12 (Building Height: 20' permitted, 24' 6" proposed): (Undersized lot applies)** for an addition to an existing single-family residence. The premises are located at 375 Orangeburg Road, Pearl River, New York and are identified on the Orangetown Tax Map as Section 69.17, Block 2, Lot 36; in the R-15 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, November 15, 2017 at which time the Board made the determination hereinafter set forth.

Jeremy and Megan MacRobbie appeared and testified.

The following documents were presented:

1. Plot Plan based on a Survey for dated May 29, 2014 by Ramsay land Surveying P.C., signed and sealed by Jane Slavin, Architect.
2. Architectural plans dated October 1, 2016 with the latest revision date of August 22 2017 signed and sealed by Jane Slavin, Registered Architect.

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

On advice of Dennis Michaels, Deputy Town Attorney, counsel to the Zoning Board of Appeals, Ms. Salomon 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. Castelli and carried as follows: Mr. Feroldi, aye; Ms. Salomon, aye; Mr. Bosco, aye; Mr. Quinn, aye; and Ms. Castelli, aye. Mr. Sullivan was absent.

Jeremy Mac Robbie testified that they moved to Pearl River in 2014; that they have two young daughters; that the house is a little over 900 sq. ft.; that they are proposing to add a partial second floor for two bedrooms and a bathroom on the second floor and to add additional two feet in the rear of the house to enlarge their bedroom; that the existing two bedrooms are 10'x10' and 10' x 12'; and the lot is long and narrow.

TOWN OF ORANGETOWN
2017 DEC - 15 P 2:37
TOWN CLERK'S OFFICE

Public Comment:

No public comment.

The Board members made personal inspections of the premises the week before the meeting and found them to be properly posted and as generally described on the application.

A satisfactory statement in accordance with the provisions of Section 809 of the General Municipal Law of New York was received.

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

FINDINGS OF FACT AND CONCLUSIONS:

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

1. The requested side yard and total side yard variances are not required for this application because the lot qualifies as a Zoning Code §5.21 undersized lot: the lot has a total area, lot width or lot frontage less than the minimum required in the Bulk Table, and meets the other criteria of Zoning Code §5.21; this lot has less than the minimum required lot width and street frontage.
2. The requested building height variance as adjusted (§ 5.21 requirements, 20' permitted, 24' 6" proposed) will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The house is very small and is set back from the road over 73 feet. The lot is very long and narrow.
3. The requested building height variance as adjusted (§ 5.21 requirements, 20' permitted, 24' 6" proposed) will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The house is very small and is set back from the road over 73 feet. The lot is very long and narrow.
4. The benefits sought by the applicant cannot be achieved by other means feasible for the applicant to pursue other than by obtaining variances.
5. The requested building height variance as adjusted (§ 5.21 requirements, 20' permitted, 24' 6" proposed) is not substantial. The house is very small and is set back from the road over 73 feet. The lot is very long and narrow.
6. The applicant purchased the property subject to Orangetown's Zoning Code (Chapter 43) and is proposing a new addition and/or improvements, so the alleged difficulty was self-created, which consideration was relevant to the decision of the Board of Appeals, but did not, by itself, preclude the granting of the area variances.

TOWN CLERK'S OFFICE
2017 DEC -4 P 2:37
TOWN OF ORANGETOWN

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 that the side yard and total side yard variances are not required due to the lot qualifying as an undersized lot as per Zoning Code §5.21; and FURTHER RESOLVED, that such decision and the vote thereon shall become effective and be deemed rendered on the date of adoption by the Board of the minutes of which they are a part.

General Conditions:

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

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

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

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

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

TOWN OF ORANGETOWN
2017 DEC -4 P 2:37
TOWN CLERK'S OFFICE

The foregoing resolution to approve the application for the requested building height variance, and to find that the side yard and total side yard variances are not required due to the lot qualifying as an undersized lot as per Zoning Code §5.21, was presented and moved by Ms. Castelli, seconded by Mr. Quinn and carried as follows: Mr. Bosco, aye; Mr. Feroldi, aye; Mr. Quinn, aye; Mr. Sullivan, aye; Ms. Salomon, aye; and Ms. Castelli, aye.

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

DATED: November 15, 2017

ZONING BOARD OF APPEALS
TOWN OF ORANGETOWN

By 
Deborah Arbolino
Administrative Aide

DISTRIBUTION:

APPLICANT
ZBA MEMBERS
SUPERVISOR
TOWN BOARD MEMBERS
TOWN ATTORNEY
DEPUTY TOWN ATTORNEY
OBZPAE
BUILDING INSPECTOR-M.M.

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

TOWN CLERK'S OFFICE
2017 DEC -4 P 2:37
TOWN OF ORANGETOWN

DECISION

SPECIAL PERMIT § 3.11 COLUMN 3 #8 GRANTED

To: Meredith Rappaport (Abbott House)
100 N. Broadway
Irvington, New York 10533

ZBA #17-93
Date: November 15, 2017
Permit #46899

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#17-93: Application of Abbott House for a Special Permit as per Zoning Code (Chapter 43) of the Town of Orangetown Code, CS District, Section 3.11, Column 3, # 8 (Other Retail/Service) and for a variance from Section 3.11, Column 5 Accessory Uses # 2 refers to Section 6.1(a): one commercial vehicle permitted: Two commercial vehicles proposed for overnight storage) for a day habilitation program to be located at 63 Highview Avenue, Orangeburg, New York and are identified on the Orangetown Tax Map as Section 74.10, Block 1, Lot 64; in the CS zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, November 15, 2017 at which time the Board made the determination hereinafter set forth.

Meredith Rappaport and Ann Marie Basile appeared and testified.

The following documents were presented:

1. Architectural plans labeled "Interior Renovation for Abbott House-DayHab without walls" dated August 22, 2017 signed and sealed by Peter A. Cirdillo, Architect.
2. An explanation of the community Day Habilitation Program.

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

On advice of Dennis Michaels, Deputy Town Attorney, counsel to the Zoning Board of Appeals, Ms. Salomon moved for a Board determination that since the foregoing application seeks area or bulk variances for construction or expansion of a primary, or accessory or appurtenant, non – residential structure or facility involving less than 4,000 square feet of gross floor area, and not involving a change in zoning or a use variance and consistent with local land use controls, this application is exempt from the State Environmental Quality Review Act (SEQRA), pursuant to SEQRA Regulation §617.5 (c) (7) which does not require SEQRA environmental review. The motion was seconded by Ms. Castelli and carried as follows: Mr. Quinn, aye; Ms. Salomon, aye; Ms. Castelli, aye; Mr. Feroldi, aye; and Mr. Bosco, aye. Mr. Sullivan was absent.

Meredith Rappaport testified Abbott House began its service with foster children and placing them; that they have expanded their services to include the mentally disabled and this location will serve as a dayhab center from 8 A.M. to 4 P.M.; that they offer classes for pre-employment; that they have a full certified staff; that the clients are adults and they not present in the building the entire day because they transported to be included in the community activities and such; that there are no commercial vehicles used at the site; that they have minivan and a ford transit and they do not need a variance to park commercial vehicles over night; that they were previously located in West Nyack but the building was flooded and presently are working out of the office in Irvington, which is very inconvenient.

2017 DEC 4 P 2:31
TOWN OF ORANGETOWN

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

FINDINGS OF FACT AND CONCLUSIONS:

After personal observation of the property, hearing all the testimony and reviewing all the documents submitted, the Board found and concluded that the following Special Findings for the proposed Special Permit Use, as per Zoning Code Section 4.31, have been satisfactorily satisfied, for the following reasons:

1. The requested Special Permit will be appropriately located with respect to transportation, water supply, waste disposal, fire and police protection and other public facilities.
2. The granting of the Special Permit will not cause undue traffic congestion or create a traffic hazard.
3. The granting of the Special Permit will not create, at any point of determination set forth in Zoning Code Sections 4.16, 4.17 and 4.18 any more dangerous and objectionable elements, referred to in Section 4.11 than is characteristic of the uses expressly permitted as of right in the same Zoning District.
4. The requested Special Permit will not adversely affect the character of or property values in the area.
5. Will not otherwise impair the public health, safety, morals, convenience, comfort, prosperity and other aspects of the general welfare of the Town.
6. The requested Special Permit will comply with all other regulations applicable to such use. For all Special Permit Uses a proposed plan, showing the size and location of the lot, design and location of the proposed facilities (including access drives, screening and streets within 1,000) feet) and a detailed description thereof must be submitted in accordance with rules prescribed by the Board (if any).
7. Before any Special Permit is granted, the applicant must secure approval of the proposed structure by the Town Engineer or the consulting engineers for the Town of Orangetown, if same has been requested or is otherwise required.
8. The Board made the determination that a variance is not required for overnight parking, because the Building Inspector's denial, grounded upon Zoning Code § 6.1 (a), is misapplied, due to § 6.1)a) only being applicable to residential properties, and the applicant's subject property is used and occupied as a retail/business in the CS Zoning District.

2017 DEC -4 P 2:37
TOWN OF ORANGETOWN

DECISION: In view of the foregoing and the testimony and documents presented, the Board RESOLVED that the application for the requested Special Permit is APPROVED and the determination that a variance is not required for overnight parking, because the Building Inspector's denial, grounded upon Zoning Code § 6.1 (a), is misapplied, due to § 6.1a) only being applicable to residential properties, and the applicant's subject property is used and occupied as a retail/business in the CS Zoning District; and FURTHER RESOLVED that such decision and the vote thereon shall become effective and be deemed rendered on the date of adoption by the Board of the minutes of which they are a part.

General Conditions:

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

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

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

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

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


TOWN OF ORANGETOWN
2017 DEC -4 P 2:37
TOWN CLERK'S OFFICE

The foregoing resolution to approve the application for the requested Special Permit and the determination that a variance is not required for overnight parking, because the Building Inspector's denial, grounded upon Zoning Code § 6.1 (a), is misapplied, due to § 6.1a) only being applicable to residential properties, and the applicant's subject property is used and occupied as a retail/business in the CS Zoning District; was presented and moved by Ms. Salomon, seconded by Ms. Castelli and carried as follows: Mr. Bosco, aye; Mr. Feroldi, aye; Ms. Castelli, aye; Ms. Salomon, aye; and Mr. Quinn. 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: November 15, 2017

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

TOWN CLERK'S OFFICE
2017 DEC -4 P 2:37
TOWN OF ORANGETOWN