

MINUTES
ZONING BOARD OF APPEALS
September 6, 2017

MEMBERS PRESENT: DAN SULLIVAN
THOMAS QUINN
JOAN SALOMON
PATRICIA CASTELLI
LEONARD FEROLDI, ALTERNATE

ABSENT: MICHAEL BOSCO

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

This meeting was called to order at 7: 00 P.M. by Mr. Sullivan, Chairman.
Hearings on this meeting's agenda, which are made a part of this meeting, were held as noted below:

PUBLISHED ITEMS

APPLICANTS

DECISIONS

NEW ITEMS:

SCHEURITZEL 150 Broad Avenue Palisades, NY 77.20 / 2 / 71; R-15 zone	REAR YARD VARIANCE APPROVED	ZBA#17-58
WHITE BARN 200 Sickletown Road Pearl River, NY 69.12 / 1 / 1.1; R-80 zone	FLOOR AREA RATIO, FRONT YARD, SIDE YARD, AND §6.332 GRAVEL DRIVEWAY VARIANCES APPROVED	ZBA#17-59
WHITE SHED 200 Sickletown Road Pearl River, NY 69.12 / 1 / 1.1; R-80 zone	§ 5.227 ACCESSORY STRUCTURE SET BACK VARIANCE APPROVED	ZBA#17-60
MANDELL 26 Shadyside Avenue Upper Grandview, NY 71.05 / 1 / 8 ; R-22 zone	FRONT YARD, SIDE YARD VARIANCES APPROVED	ZBA#17-61
SPADACECCHIA 15 Sandhage Drive Pearl River, NY 68.15 / 2 / 66 R-15 zone	FRONT YARD VARIANCE APPROVED	ZBA#17-62
TAPPAN GATE STATION GENERATOR PERFORMANCE STANDARDS 320 Oak Tree Road Palisades, NY 77.14 / 1 / 29; LIO zone	PERFORMANCE STANDARDS APPROVED WITH CONDITIONS	ZBA#17-63

TOWN OF ORANGETOWN
2017 SEP 20 P 3:22

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: Griffin Site Plan, 27 Sunrise Lane, Pearl River, NY; 69.18 / 3 / 43.1; R-15 zone; Paragon Motors Resubdivision 64 Leber Road, Blauvelt, N.Y.; 70.06/ 1 / 50.4/ 1/3 ;LO zone; Yost Magenheimer & Sammon Resubdivision Plan, 178 & 174 Elizabeth Street, Pearl River NY 72.08 / 3 / 83.8 & 83.9; R-15 zoning district; and FURTHER RESOLVED, to request to be notified by the Planning Board of SEQRA proceedings, hearings, and determinations with respect to these matters.

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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 8:30 P.M.

Dated: September 6, 2017

ZONING BOARD OF APPEALS
TOWN OF ORANGETOWN

By Deborah Arbolino

Deborah Arbolino, Administrative Aide

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

TOWN OF ORANGETOWN
2017 SEP 20 P 3: 22
TOWN CLERK'S OFFICE

DECISION

REAR YARD VARIANCE APPROVED

To: Wade Scheuritzel
150 Broad Avenue
Palisades, New York 10964

ZBA #17-58
Date: September 6, 2017
Permit # 46449

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#17-58: Application of Wade Scheuritzel for a variance from Zoning Code (Chapter 43) of the Town of Orangetown Code, R-15 District, Group M, Section 3.12, Column 11 (Rear Yard: 35' required, 27' existing, 25' proposed) for decks at an existing single family residence. The premises are located at 150 Broad Avenue, Palisades, New York and are identified on the Orangetown Tax Map as Section 77.20, Block 2, Lot 71; in the R-15 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, September 6, 2017 at which time the Board made the determination hereinafter set forth.

Wade Scheuritzel, John Carroll, Attorney, appeared and testified.

The following documents were presented:

1. Plot plan dated June 27, 2017 based on a survey dated June 27, 1964 by Richard A. August, signed and sealed by Jane Christin Slavin, Architect.
2. Architectural plans dated June 27, 2017 labeled "Deck Scheuritzel" by Jane Slavin Registered Architect.

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

Wade Scheuritzel testified that he is an Orangetown resident for 30 years; that he and his wife lived in the house since 1994; that he lost his wife two years ago and although they had discussed retiring and living elsewhere, he has decided to stay in the house; that there is an existing deck at ground level and he would like to add a deck above the existing one because his kitchen and dining is on that level; that the house is a high ranch style house and having the grill on the same level as the kitchen will make grilling easier.

John Carroll, Attorney, testified that the existing lower deck is 27' not 28.5' from the rear yard.

TOWN OF ORANGETOWN
2017 SEP 20 P 3: 22
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 rear yard variance will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The property has three front yards, and one of these front yards is an undeveloped paper road. If the applicant had only two front yards, the rear and side yard designations could have been assigned and no variance would have been required.
2. The requested rear yard variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The property has three front yards, and one of these front yards is an undeveloped paper road. If the applicant had only two front yards, the rear and side yard designations could have been assigned and no variance would have been required.
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 is not substantial. The property has three front yards, and one of these front yards is an undeveloped paper road. If the applicant had only two front yards, the rear and side yard designations could have been assigned and no variance would have been required.
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 OF ORANGETOWN
2017 SEP 20 P 3: 22
TOWN CLERK'S OFFICE

DECISION: In view of the foregoing and the testimony and documents presented, the Board: RESOLVED, that the application for the requested rear 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 OF ORANGETOWN
2017 SEP 20 P 3: 22
TOWN CLERK'S OFFICE

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

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

DATED: September 6, 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 SEP 20 P 3: 22
TOWN CLERK'S OFFICE

DECISION

FLOOR AREA RATIO, FRONT YARD, SIDE YARD AND SECTION 6.332 (GRAVEL DRIVEWAY) VARIANCES APPROVED

To: Eugene White
200 Sickletown Road
Pearl River, New York 10965

ZBA #17-59
Date: September 6, 2017
Permit #46538 (Barn)

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#17-59: Application of Eugene White for variances from Zoning Code (Chapter 43) of the Town of Orangetown Code, R-80 District, Section 3.12, Group A, Columns 4 (Floor Area Ratio: .10 permitted, .102 proposed), 8 (Front Yard: 50' required, 28' proposed) and 9 (Side Yard: 30' required, 20.2' proposed) and from Section 6.332 (Asphalt required, Gravel proposed) for an extension to a driveway and construction of a proposed storage barn at an existing single family residence. The premises are located at 200 Sickletown Road, Pearl River, New York and are identified on the Orangetown Tax Map as Section 69.12, Block 1, Lot 1.1; in the R-80 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, September 6, 2017 at which time the Board made the determination hereinafter set forth.

Eugene White and Donald Brenner, Attorney, appeared and testified.

The following documents were presented:

1. Site plan labeled "Proposed Barn White" dated January 12, 2017 with the latest revision date of June 5, 2017 signed and sealed by Paul Gdanski, P.E. and Jay Greenwell, P, L.S..
2. A letter dated August 24, 2017 from the Rockland County Department of Planning signed by Douglas J. Schuetz, Acting Commissioner of Planning.
3. A letter dated August 28, 2017 from the Rockland County Highway Department signed by Joseph Arena, Senior Engineering Technician.

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

Donald Brenner, attorney, testified that this lot was established by the water company when they sold their properties; that it is an oddly shaped undersized lot but a beautiful small house was built on it and it is beautifully landscaped; that they proposed barn is not going to be used for business or housing; that it will not be heated or have plumbing; that it is well protected from the street and is surrounded by the PIP to the south, the reservoir to the east; and roads on the other two sides; and the building is a pre-fab kit.

Eugene White testified that he plans to use the barn for two vintage cars and since he has four kids that are interested in music and the arts, he would like to use the rear portion of the barn for those activities; that the barn will have be lofted at 50% for storage; that he moved to the property 12 or 13 years ago; and he loves to garden, so the existing shed is used for those tools; and with four kids they need more storage space; and the existing small shed by the gate will be removed.

TOWN CLERK'S OFFICE
SEP 20 2017
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.

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 floor area ratio, front yard, side yard and section 6.332 gravel driveway variances will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The property is oddly shaped and this would be the only area on the property to construct the barn and the proposed gravel driveway would work well on the property because it tends to be wet.
2. The Board chose to override modification #1 of the NYS General Municipal Law §239 letter dated August 24, 2017, from the Rockland County Planning Department, signed by Douglas J. Schuetz, Acting Commissioner of Planning for the following reasons: (a) No height variance was requested or required; (b) and No additional dwelling unit was being requested, so there would be no increase in residential density, nor increase in roadway congestion, or demands on sanitary sewer system and public water supply.
3. The requested floor area ratio, front yard, side yard and section 6.332 gravel driveway variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The property is oddly shaped and this would be the only area on the property to construct the barn and the proposed gravel driveway would work well on the property because it tends to be wet.
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 floor area ratio, front yard, side yard and section 6.332 gravel driveway 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 property is oddly shaped and this would be the only area on the property to construct the barn and the proposed gravel driveway would work well on the property because it tends to be wet.
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.

DECISION: In view of the foregoing and the testimony and documents presented, the Board: RESOLVED, that the application for the requested floor area ratio, front yard, side yard and section 6.332 gravel driveway variances are APPROVED; and the Board Overrides Modification #1 of the Rockland County Planning Department's letter dated August 24, 2017 signed by Douglas J. Schuetz, Acting Commissioner, for the following reasons: (a) No height variance was requested or granted; (b) and No additional dwelling unit was requested, so there would be no increase in residential density, Nor increase in roadway congestion, or demands on sanitary sewer system and public water supply ; 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.

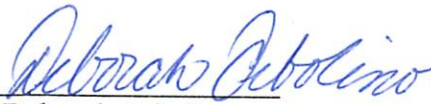
TOWN OF ORANGETOWN
2017 SEP 20 P 3:22

The foregoing resolution to approve the application for the requested floor area ratio, front yard, side yard and section 6.332 gravel driveway variances, and to Override Modification #1 of the Rockland County Planning Department's letter dated August 24, 2017 signed by Douglas J. Schuetz, Acting Commissioner, for the following reasons: (a) No height variance was requested or granted; (b) and No additional dwelling unit was requested, so there would be no increase in residential density, Nor increase in roadway congestion, or demands on sanitary sewer system and public water supply ; was presented and moved by Mr. Quinn, seconded by Ms. Salomon and carried as follows: Ms. Castelli, aye; Mr. Feroldi, aye; Mr. Quinn, aye; Mr. Sullivan, aye; and Ms. Salomon, aye. Mr. Bosco was absent.

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

DATED: September 6, 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 CLERK'S OFFICE
2017 SEP 20 P 3: 22
TOWN OF ORANGETOWN

DECISION

SECTION 5.227 (ACCESSORY STRUCTURE SET BACK) VARIANCE APPROVED

To: Eugene White
200 Sickletown Road
Pearl River, New York 10965

ZBA #17-60
Date: September 6, 2017
Permit #46595 (shed)

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#17-60: Application of Eugene White for a variance from Zoning Code (Chapter 43) of the Town of Orangetown Code, R-80 District, Section 5.227 (Accessory structure set back: 30' required, 4.8' existing) for an existing shed at an existing single family residence. The premises are located at 200 Sickletown Road, Pearl River, New York and are identified on the Orangetown Tax Map as Section 69.12, Block 1, Lot 1.1; in the R-80 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, September 6, 2017 at which time the Board made the determination hereinafter set forth.

Eugene White, and Donald Brenner, Attorney, appeared and testified.

The following documents were presented:

1. Site plan labeled "Proposed Barn White" dated January 12, 2017 with the latest revision date of June 5, 2017 signed and sealed by Paul Gdanski, P.E. and Jay Greenwell, P, L.S..

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

Eugene White testified that the shed was installed for garden supplies and he did not realize that he needed a variance until he applied for the barn permit, and that he would like to keep the shed in its present location because it fits in that area very nicely and is not even near the road.

TOWN CLERK'S OFFICE
2017 SEP 20 P 3:23
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.

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 Section 5.227 accessory structure set back variance will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The property is oddly shaped and the existing shed is not near any other developed properties or the road.
2. The requested Section 5.227 accessory structure set back variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The property is oddly shaped and the existing shed is not near any other developed properties or the road.
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 Section 5.227 accessory structure set back 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 property is oddly shaped and the existing shed is not near any other developed properties or the road.
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 SEP 20 P 3: 23
TOWN OF ORANGETOWN

DECISION: In view of the foregoing and the testimony and documents presented, the Board: RESOLVED, that the application for the requested Section 5.227 accessory structure set back 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.

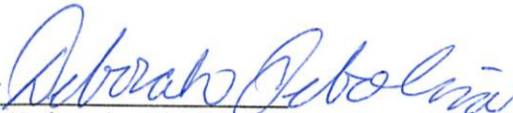
TOWN CLERK'S OFFICE
2017 SEP 20 P 3: 23
TOWN OF ORANGETOWN

The foregoing resolution to approve the application for the requested Section 5.227 accessory structure set back variance was presented and moved by Mr. Quinn, seconded by Ms. Salomon and carried as follows: Ms. Castelli, aye; Mr. Feroldi, aye; Mr. Quinn, aye; Mr. Sullivan, aye; and Ms. Salomon, aye. Mr. Bosco was absent.

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

DATED: September 6, 2017

ZONING BOARD OF APPEALS
TOWN OF ORANGETOWN

By 
Deborah Arbolino
Administrative Aide

DISTRIBUTION:

APPLICANT
ZBA MEMBERS
SUPERVISOR
TOWN BOARD MEMBERS
TOWN ATTORNEY
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MGMT. and ENGINEERING
FILE,ZBA, PB
CHAIRMAN, ZBA, PB, ACABOR

TOWN OF ORANGETOWN
2017 SEP 20 P 3: 23
TOWN CLERK'S OFFICE

DECISION

FRONT YARD AND SIDE YARD VARIANCES APPROVED

To: Eduard Mandell
26 Shadyside Avenue
Nyack, New York 10960

ZBA #17-61
Date: September 6, 2017
Permit # 46394

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#17-61: Application of Eduard Mandell for variances from Zoning Code (Chapter 43) of the Town of Orangetown Code, R-22 District, Group I, Section 3.12, Columns 8 (Front Yard: 40' required, 31.1' existing and 35' proposed) and 9 (Side Yard: 25' required, 24.2' existing no change) for a two-story garage at an existing single family residence. The premises are located at 26 Shadyside Avenue, Upper Grandview, New York and are identified on the Orangetown Tax Map as Section 71.05, Block 1, Lot 8; in the R-22 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, September 6, 2017 at which time the Board made the determination hereinafter set forth.

Eduard Mandell and John Atzl, Engineer, appeared and testified.

The following documents were presented:

1. Survey for Mandell Residence dated April 17, 2017 signed and sealed by John R. Atzl, L.S. P.E...
2. Architectural plans not signed or sealed or dated of the proposed garage.
3. A letter dated August 25, 2017 from the Rockland County Planning Department signed by Douglas J. Schuetz, Acting Commissioner of Planning.

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

John Atzl, P.E., L.S., testified that Mr. Mandell has lived in the house since 2003; that he is proposing to improve the rear yard and build a two-story 22' x 24' garage with storage and repair the existing retaining walls; that from the street the garage will appear to be one story because of the topography of the land; that the lower level of the garage will be used for storage; that the 22.6' side yard is an existing condition for the house; that the actual distance to the center line of Shadyside is 55'; that the front yard variance is being requested because of the topography and moving it five feet changes the cost and causes further downhill disturbance in the critical environmental area; that they have already received a preliminary approval and a neg. dec. from the Planning board; and that they are building where there is a lot of brush and only one tree, a 24" Hickory will be removed and that is located in the drainage area.

Public Comment:

No public comment.

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

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

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

FINDINGS OF FACT AND CONCLUSIONS:

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

1. The requested front yard and side yard variances will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The requested side yard variance is for the existing house, and the requested front yard variance for the garage is necessary in order to build on the portion of the property that will cause the least amount of disturbance to the steep slope.
2. The requested front yard and side yard variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The requested side yard variance is for the existing house, and the requested front yard variance for the garage is necessary in order to build on the portion of the property that will cause the least amount of disturbance to the steep slope.
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 and side yard variances are not substantial. The requested side yard variance is for the existing house, and the requested front yard variance for the garage is necessary in order to build on the portion of the property that will cause the least amount of disturbance to the steep slope.
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 OF ORANGETOWN
2017 SEP 20 P 3: 23
TOWN CLERK'S OFFICE

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

General Conditions:

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

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

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

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

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

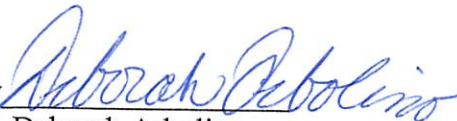
TOWN CLERK'S OFFICE
2017 SEP 20 P 3: 23
TOWN OF ORANGETOWN

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

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

DATED: September 6, 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 SEP 20 P 3:23
TOWN CLERK'S OFFICE

DECISION

FRONT YARD VARIANCE APPROVED

To: Joseph and Danielle Spadavecchia
15 Sandhage Drive
Pearl River, New York 10965

ZBA #17-62
Date: September 6, 2017
Permit #46128

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#17-62: Application of Joseph and Danielle Spadavecchia for a variance from Zoning Code (Chapter 43) of the Town of Orangetown Code, R-15 District, Group M, Section 3.12, Column 8 (Front Yard: 30' required, 24.8' proposed) for an addition to an existing single family residence. The premises are located at 15 Sandhage Drive, Pearl River, New York and are identified on the Orangetown Tax Map as Section 68.15, Block 2, Lot 66; in the R-15 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, September 6, 2017 at which time the Board made the determination hereinafter set forth.

Sarah Hollerman, Jonathan Hodash Associates, appeared and testified.

The following documents were presented:

1. Architectural plans dated January 11, 2017 with the latest revision date of June 1, 2017, signed and sealed by Jonathan B. Hodash, Registered Architect.

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

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

Sarah Hollerman testified that they are requesting a 5.2' front yard variance to permit an uncovered stoop and steps ; that the applicant has an active building permit and during construction it was decided to add a double door entry for the house and the minimum width of the stoop and steps changed to accommodate the double door and that is why they need the front yard variance; that it will not create an undesirable change in the neighborhood; it will enhance the entry to the house and it is not substantial.

TOWN CLERK'S OFFICE
2017 SEP 20 P 3: 59
TOWN OF ORANGETOWN

Public Comment:

Barbara Eckartz, 10 Sandhage Drive, Pearl River, testified that the applicant is her daughter and that she recently moved from Queens; that she thinks the house will be beautiful.

Andrew Howe, 18 Sandhage Drive, testified that he has lived in his house for 40 years and he has no issues with the improvements that his neighbor is doing and that it will enhance the neighborhood.

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

FINDINGS OF FACT AND CONCLUSIONS:

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

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

TOWN OF ORANGETOWN
2017 SEP 20 P 3:59
TOWN CLERK'S OFFICE

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

General Conditions:

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

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

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

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

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

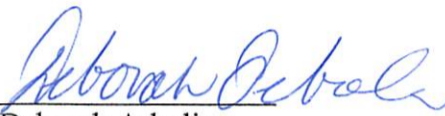
TOWN OF ORANGETOWN
2017 SEP 20 P 3: 59
TOWN CLERK'S OFFICE

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

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

DATED: September 6, 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
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BUILDING INSPECTOR-G.M.

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

TOWN OF ORANGETOWN
2017 SEP 20 P 3:59
TOWN CLERK'S OFFICE

DECISION

CONFORMANCE TO PERFORMANCE STANDARDS APPROVED

To: Orange & Rockland Utilities
390 West Route 59
SpringValley, New York 10977

ZBA #17-63
Date: September 6, 2017
Permit # 46536

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#17-63: Application of Orange and Rockland Utilities 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, for a generator at Tappan Gate Station, located at 320 Oak Tree Road, Palisades, New York and are identified on the Orangetown Tax Map as Section 77.16, Block 1, Lot 29; in the LIO zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, September 6, 2017 at which time the Board made the determination hereinafter set forth.

Michael Turanchik, PE. And James Buonincontri, P.E. appeared and testified.

The following documents were presented:

1. Plans labeled Tappan Gate Generator Foundation Plan, Notes & Details, including a site plan dated 6/19/2017 signed and sealed by Bruce I. Goldman, P.E.
2. Generac Series 8/11 KW spec sheets (5 pages).
3. Use Subject to Performance Standards Resume of Operations and Equipment dated June 29, 2017 .
4. Fire Prevention Supplement.
5. A letter dated September 6, 2017 from Joseph J. Moran, P.E., Department of Environmental Management and Engineering, Town of Orangetown. (recieved Sept. 7, 2017)
6. A memorandum dated September 7, 2017 from the Town of Orangetown Bureau of Fire Prevention from Michael B. Bettmann, Chief Fire Inspector.
7. A letter dated August 16, 2017 from the County of Rockland Department of Planning signed by Douglas J. Schuetz, Acting Commissioner of Planning.
8. Two pictures of the posted hearing signs.

Mr. Sullivan Chairman, 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, Mr. Sullivan 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. Quinn, aye; Mr. Sullivan, aye; Mr. Feroldi, aye; Ms. Castelli, aye; and Ms. Salomon, aye. Mr. Bosco was absent.

TOWN OF ORANGETOWN
2017 SEP 20 P 3:23

James Buonincontri, P.E., testified that they are proposing to install a residential size 11kw generator as a backup for power in a storm; that this is part of their storm hardening program to provide more reliable source of power; that this station has electronic transmit data, and heater to the natural gas; and that it would be tested once a week for approximately 12 minutes.

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. (pictures of the postings were provided)

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 September 6, 2017 from Joseph J. Moran, P.E., Commissioner of the Orangetown Department of Environmental Management and Engineering (D.E.M.E.); the report dated September 7, 2017 from Michael B. Bettmann, Chief Fire Inspector, Town of Orangetown Bureau of Fire Prevention (B.F.P.); and the report dated August 16, 2017 from Douglas J. Schuetz, Acting Commissioner of Planning, Rockland County Department of Planning; the other documents submitted to the Board and the testimony of Applicant's representatives, the Board finds and concludes that the application conforms with the Performance Standards set forth in Zoning Code Section 4.1, subject to compliance with the orders, rules and regulations of the Orangetown Office of Building, Zoning & Planning Administration & Enforcement, D.E.M.E., and B.F.P., and all other departments having jurisdiction of the premises.

DECISION: In view of the foregoing and the testimony and documents submitted, the Board: RESOLVED, that the Application for Performance Standards Conformance, pursuant to Zoning Code § 4.1, is APPROVED with the following SPECIFIC CONDITIONS: (1) the report dated September 6, 2017 from Joseph J. Moran, P.E., Commissioner of the Orangetown Department of Environmental Management and Engineering (D.E.M.E.); (2) the report dated September 7, 2017 from Michael B. Bettmann, Chief Fire Inspector, Town of Orangetown Bureau of Fire Prevention (B.F.P.); and (3) the report dated August 16, 2017 by Douglas J. Schuetz, Rockland County Department of Planning; shall be complied with; AND FURTHER RESOLVED, that such decision and the vote thereon shall become effective and be deemed rendered on the date of adoption by the Board of the minutes of which they are a part.

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 SEP 20 P 3: 23
TOWN CLERK'S OFFICE

The foregoing Resolution, to approve the application for the requested conformance to Performance Standards with the following conditions: (1) the report dated September 6, 2017 from Joseph J. Moran, P.E., Commissioner of the Orangetown Department of Environmental Management and Engineering (D.E.M.E.); (2) the report dated September 7, 2017 from Michael B. Bettmann, Chief Fire Inspector, Town of Orangetown Bureau of Fire Prevention (B.F.P.); and (3) the report dated August 16, 2017, from Douglas J. Schuetz, Acting Commissioner of Planning, Rockland County Department of Planning; shall be complied with; was presented and moved by Mr. Sullivan, seconded by Ms. Castelli and carried as follows: Mr. Feroldi, aye; Mr. Salomon, aye; Mr. Quinn, aye ; Mr. Sullivan, aye; and Ms. Castelli, aye. Mr. Bosco was absent.

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

DATED: September 6, 2017

ZONING BOARD OF APPEALS
TOWN OF ORANGETOWN

By 
Deborah Arbolino
Administrative Aide

DISTRIBUTION:

APPLICANT
ZBA MEMBERS
SUPERVISOR
TOWN BOARD MEMBERS
TOWN ATTORNEY
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TOWN CLERK
HIGHWAY DEPARTMENT
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TOWN CLERK'S OFFICE
2017 SEP 20 P 3:23
TOWN OF ORANGETOWN