

Name of Municipality: TOWN OF ORANGETOWN Date Submitted: \_\_\_\_\_

2020 LAND USE BOARD APPLICATION

Please check all that apply:

<input type="checkbox"/> Commercial	<input checked="" type="checkbox"/> Residential
<input type="checkbox"/> Planning Board	<input type="checkbox"/> Historical Board
<input checked="" type="checkbox"/> Zoning Board of Appeals	<input type="checkbox"/> Architectural Board
<input type="checkbox"/> Subdivision	<input type="checkbox"/> Consultation
<input type="checkbox"/> Number of Lots	<input type="checkbox"/> Pre-Preliminary/Sketch
<input type="checkbox"/> Site Plan	<input type="checkbox"/> Preliminary
<input type="checkbox"/> Conditional Use	<input type="checkbox"/> Final
<input type="checkbox"/> Special Permit	<input type="checkbox"/> Interpretation
<input checked="" type="checkbox"/> Variance	
<input type="checkbox"/> Performance Standards Review	
<input type="checkbox"/> Use Variance	
<input type="checkbox"/> Other (specify): _____	

PERMIT#: 50795  
ASSIGNED  
INSPECTOR: Richard Oliver  
Referred from Planning Board: YES / NO  
If yes provide date of Planning Board meeting: \_\_\_\_\_

Project Name: Chatfield Pool

Street Address: 17 Kim Ct, Tappan NY 10983

Tax Map Designation:  
Section: 74.18 Block: 2 Lot(s): 32  
Section: \_\_\_\_\_ Block: \_\_\_\_\_ Lot(s): \_\_\_\_\_

Directional Location:  
On the Southerly side of Kim Court, approximately  
96.50 feet Westerly side of the intersection of Greene Rd, in the  
Town of ORANGETOWN in the hamlet/village of Tappan.

Acreage of Parcel <u>.33</u>	Zoning District <u>R-15</u>
School District <u>S. Orangetown</u>	Postal District <u>Tappan</u>
Ambulance District <u>Tappan</u>	Fire District <u>Tappan</u>
Water District <u>Suez</u>	Sewer District <u>Orangetown</u>

Project Description: (If additional space required, please attach a narrative summary.)  
Install inground swimming pool in rear yard.

The undersigned agrees to an extension of the statutory time limit for scheduling a public hearing.

Date: 12/7/2020 Applicant's Signature: Mary Clark

APPLICATION REVIEW FORM

Applicant: Mary Chatfield Phone # 516-661-2061

Address: 17 Kim Ct Tappan NY 10983  
Street Name & Number (Post Office) City State Zip Code

Property Owner: Daniel Chatfield Mary Chatfield Phone # 646-824-8129 516-661-2061

Address: 17 Kim Ct Tappan NY 10983  
Street Name & Number (Post Office) City State Zip Code

Engineer/Architect/Surveyor: \_\_\_\_\_ Phone # \_\_\_\_\_

Address: \_\_\_\_\_  
Street Name & Number (Post Office) City State Zip Code

Attorney: \_\_\_\_\_ Phone # \_\_\_\_\_

Address: \_\_\_\_\_  
Street Name & Number (Post Office) City State Zip Code

Contact Person: Mary Chatfield Phone # 516-661-2061

Address: 17 Kim Ct Tappan NY 10983  
Street Name & Number (Post Office) City State Zip Code

GENERAL MUNICIPAL LAW REVIEW:

This property is within 500 feet of:  
(Check all that apply)

IF ANY ITEM IS CHECKED, A REVIEW MUST BE DONE BY THE ROCKLAND COUNTY COMMISSIONER OF PLANNING UNDER THE STATE GENERAL MUNICIPAL LAW, SECTIONS 239 L, M, N, AND NN.

- State or County Road
- Long Path
- Municipal Boundary
- State or County Park
- County Stream
- County Facility

List name(s) of facility checked above:

\_\_\_\_\_  
\_\_\_\_\_

Referral Agencies:

- RC Highway Department
- RC Drainage Agency
- NYS Dept. of Transportation
- NYS Thruway Authority
- Adjacent Municipality \_\_\_\_\_
- Other \_\_\_\_\_
- RC Division of Environmental Resources
- RC Dept. of Health
- NYS Dept. of Environmental Conservation
- Palisades Interstate Park Commission

**APPLICATION REVIEW FORM**

**FILL IN WHERE APPLICABLE.**

**( IF THE FOLLOWING DOES NOT APPLY PLEASE MOVE ON TO THE NEXT PAGE )**

**If subdivision:**

- 1) Is any variance from the subdivision regulations required? \_\_\_\_\_
- 2) Is any open space being offered? \_\_\_\_ If so, what amount? \_\_\_\_\_
- 3) Is this a standard or average density subdivision? \_\_\_\_\_

**If site plan:**

- 1) Existing square footage \_\_\_\_\_
- 2) Total square footage \_\_\_\_\_
- 3) Number of dwelling units \_\_\_\_\_

**If special permit,** list special permit use and what the property will be used for.

\_\_\_\_\_  
\_\_\_\_\_

**Environmental Constraints:**

Are there **slopes greater than 25%**? If yes, please indicate the amount and show the gross and net area \_\_\_\_\_

Are there **streams** on the site? If yes, please provide the names. \_\_\_\_\_

Are there **wetlands** on the site? If yes, please provide the names and type:

\_\_\_\_\_

**Project History:**

Has this project ever been reviewed before? NO

If so, provide a narrative, including the list case number, name, date, and the board(s) you appeared before, and the status of any previous approvals.

\_\_\_\_\_  
\_\_\_\_\_

List tax map section, block & lot numbers for all other abutting properties in the same ownership as this project.

\_\_\_\_\_  
\_\_\_\_\_



OFFICE OF BUILDING, ZONING, PLANNING,  
ADMINISTRATION AND ENFORCEMENT  
**TOWN OF ORANGETOWN**  
20 Greenbush Road  
Orangeburg, N.Y. 10962

Jane Slavin, R.A.  
Director

(845)359-8410

Fax: (845) 359-8526

**DENIAL TO THE ZONING BOARD OF APPEALS**

Date: November 13, 2020

Applicant: Chatfield

Address: 17 Kim Ct.

RE: Application Made at: Same

Chapter 43, Section 5.227 Accessory Structures...pools may be not less than 20 from rear lot line (in an R-15 District) with Rear Yard 19' proposed.

Bulk Table 3.12 Column 1 R-15 District, Column 2 Group M, Column 2 SFR, Column 9 Required Side Yard 20' with 8.3' proposed.

Two variances required.

Section: 74.18 Block: 2 Lot: 32

Dear Chatfield:

Please be advised that the Building Permit Application, which you submitted on November 9, 2020, has been denied. I have enclosed a Xerox copy of your application, where you will find at the bottom the reason for denial.

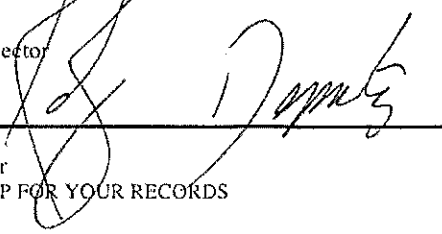
**In Accordance with Zoning, Chapter 43 Section 10.322 the time to appeal a determination of a Building Inspector or Similar administrative office is thirty (30) days from the filing of such a determination with the Town Clerk.**

The Clerk to the Zoning Board of Appeals, Debbie Arbolino, will assist you in the preparation necessary to appear before the board.

Sincerely,

  
Richard Oliver  
Deputy Building Inspector

Signature of Director  
NOTE: PLEASE KEEP FOR YOUR RECORDS  
12-31-18-CCC

  
Date  
CC: Rosanna Siraga  
Liz Decort  
Debbie Arbolino

PERMIT EXPIRES TWO (2) YEARS FROM DATE OF ISSUANCE.  
TWO SIX (6) MONTH EXTENSIONS MAY BE GRANTED PRIOR TO EXPIRATION DATE.

**APPLICATION FOR BUILDING / DEMOLITION PERMIT**

**TOWN OF ORANGETOWN**

20 Greenbush Road, Orangeburg, NY 10962 Phone: (845) 359-8410 Fax: (845) 359-8526

ZONE: R-15 (CML) OFFICIAL USE ONLY ACREAGE: .33  
 Inspector: Mike Date App Received: 11-9-2020 Received By: [Signature]  
 Permit No. 50795 Date Issued: \_\_\_\_\_  
 CO No. \_\_\_\_\_ Date Issued: \_\_\_\_\_  
 Permit Fee: \$ 780.- Ck# 005430 Paid By West Rock Industries  
 GIS Fee: \$ 20.- Ck# 005429 Paid By \_\_\_\_\_  
 Stream Maintenance Fee Ck # \_\_\_\_\_ Paid By \_\_\_\_\_  
 Additional Fee: \_\_\_\_\_ Ck# \_\_\_\_\_ Date Paid \_\_\_\_\_ Paid By \_\_\_\_\_  
 1<sup>st</sup> 6 mo. Ext.: \_\_\_\_\_ Ck # \_\_\_\_\_ Exp. Date: \_\_\_\_\_ Paid By \_\_\_\_\_  
 2<sup>nd</sup> 6 mo. Ext.: \_\_\_\_\_ Ck # \_\_\_\_\_ Exp. Date: \_\_\_\_\_ Paid By \_\_\_\_\_

**APPLICANT COMPLETES:**

Note: See inside for instructions for completing this application,  
PAGES 2, 3 and PAGE 4 must be reviewed and PAGES 3 & 4 must signed by the applicant.

Property Location: 17 KIM CT  
 Section: 7418 Block: 2 Lot: 32  
 Property Owner: Chat Field  
 Mailing Address: 17 KIM CT TAPPAN  
 Email: mry-stpaul@yahoo Phone #: 516-661-2061  
 Lessee (Business Name): \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_  
 Email: \_\_\_\_\_ Phone #: \_\_\_\_\_  
 Type of Business /Use: \_\_\_\_\_  
 Contact Person: Robert Ball Relation to Project: Manager  
 Email: Rball51862@aol Phone#: 845 590-2073  
 Architect/Engineer: \_\_\_\_\_ NYS Lic # \_\_\_\_\_  
 Address: \_\_\_\_\_ Phone#: \_\_\_\_\_  
 Builder/General Contractor: WEST ROCK RC Lic # 00251-25  
 Address: 21 N. Middletown Rd Phone#: 845-947-4200 #A103  
 Plumber: \_\_\_\_\_ RC Lic # \_\_\_\_\_  
 Address: \_\_\_\_\_ Phone#: \_\_\_\_\_  
 Electrician: \_\_\_\_\_ RC Lic # \_\_\_\_\_  
 Address: \_\_\_\_\_ Phone#: \_\_\_\_\_  
 Heat/Cooling: \_\_\_\_\_ RC Lic#: \_\_\_\_\_  
 Address: \_\_\_\_\_ Phone#: \_\_\_\_\_  
 Existing use of structure or land: Residential  
 Proposed Project Description: IN Ground Pool

Proposed Square Footage: 16 x 32 Estimated Construction Value (\$): 36,000

BUILDING DEPARTMENT COMPLETES BELOW

PLANS REVIEWED: \_\_\_\_\_

PERMIT REFERRED / DENIED FOR:

Chapter 43, Section 5.207 Accessory Structures ... pools may be not less than 20' from rear lot line with 19' proposed.  
Table 3.12 Col 1 R-15, Col 2 Group M, Col 3 SFR, Column 9 Required Side Yard 20' with 8.3' proposed.  
2 Variances Required.

[Signature] 11/13/2020

FOR OFFICE USE ONLY

SECTION

BLOCK

LOT

NAME

PERMIT#

14.18-2-33

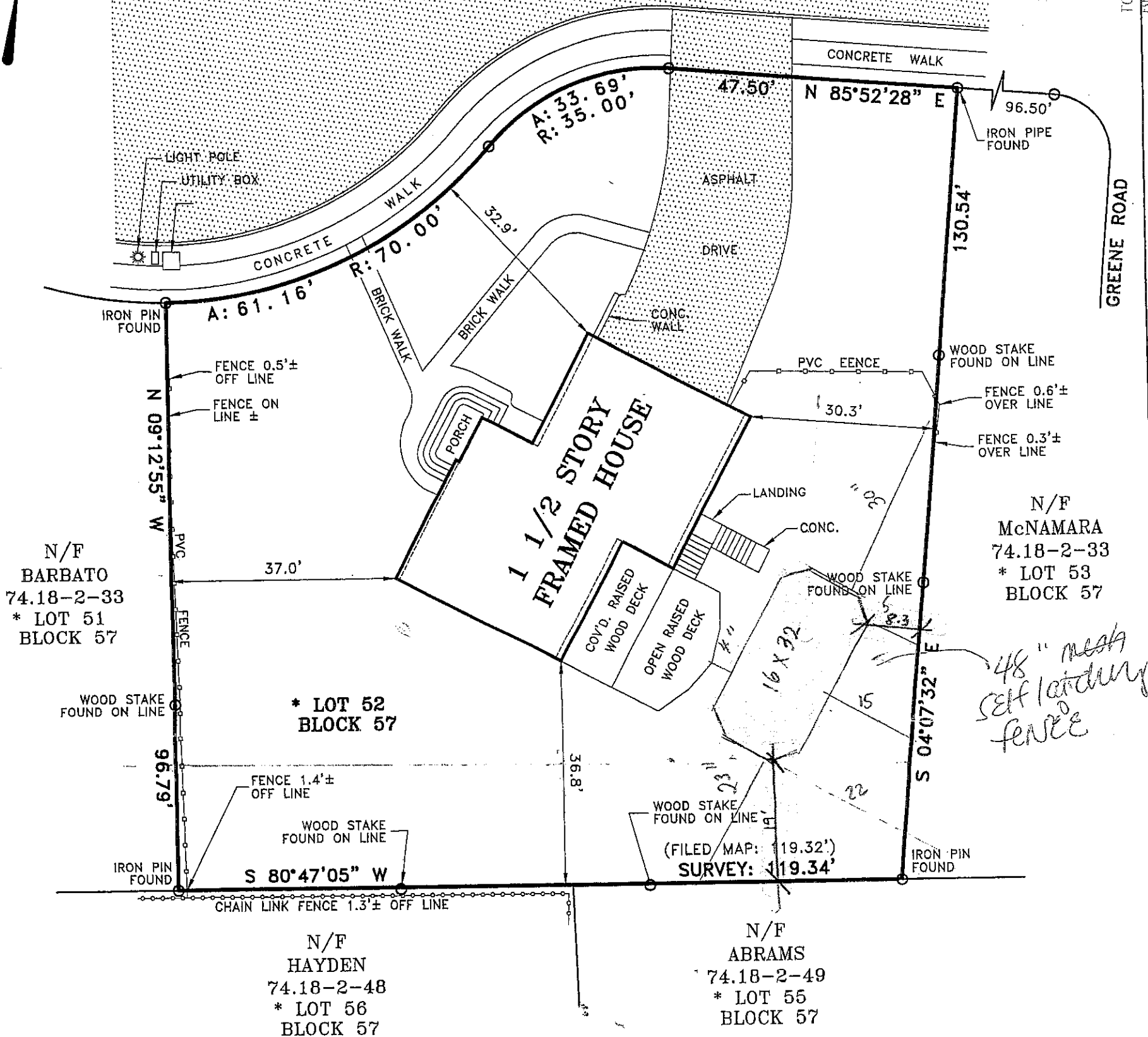


# KIM COURT

RECEIVED

NOV 9 2020

TOWN OF ORANGETOWN  
BUILDING DEPARTMENT



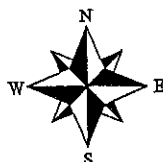
*48" mesh self-latching fence*

### GENERAL NOTES:

1. THE PREMISES SHOWN HEREON IS GENERALLY AS DESCRIBED IN DEED INSTRUMENT #1997-19897 RECORDED IN THE ROCKLAND COUNTY CLERK'S OFFICE.
2. SURVEYED AS PER RECORD DESCRIPTIONS, RECORD FILED MAP, AND EXISTING MONUMENTATION.
3. SUBJECT TO ANY EASEMENTS AND/OR RIGHT OF WAYS THAT AN ACCURATE UP TO DATE ABSTRACT OF TITLE MAY SHOW.
4. THE LOCATION OF ANY SUBSURFACE EASEMENTS, RIGHT OF WAYS, ENCROACHMENTS, AND/OR IMPROVEMENTS, IF ANY EXIST, ARE NOT CERTIFIED OR SHOWN HEREON.
5. ALL CERTIFICATIONS HEREON ARE VALID FOR THIS MAP AND COPIES THEREOF ONLY IF SAID MAP OR COPIES BEAR THE ORIGINAL SEAL OF THE SURVEYOR WHOSE SIGNATURE APPEARS HEREON.
6. ANY ALTERATIONS OR ADDITIONS TO THIS SURVEY IS A VIOLATION OF SECTION 7209 OF THE NEW YORK STATE EDUCATION LAW, EXCEPT AS PER SECTION 7209, SUBDIVISION 2.
- \* 7. REFERENCE: 'SECTION TWO, PREL PARK...SECTION XI-B' FILED IN THE ROCKLAND COUNTY CLERK'S OFFICE ON JANUARY 30, 1968 AS MAP #3676, IN BOOK 74, AT PAGE 58.

**LOT AREA**  
**15,023.78 S.F.**  
 OR  
**0.35 ACRES**

## W.E. James



### Engineering and Land Surveying, PLLC

8 CHEANDA LANE  
 WALLKILL, NEW YORK 12589  
 PHONE: (845) 566-8522 FAX: (845) 566-8525  
 EMAIL: WEJames@optonline.net  
 www.wejamesassociates.com

COPIES OF THIS SURVEY MAP NOT BEARING THE LAND SURVEYOR'S EMBOSSED SEAL SHALL NOT BE CONSIDERED TO BE A TRUE VALID COPY. GUARANTEES OR CERTIFICATIONS INDICATED HEREON SHALL RUN ONLY TO THE PERSON FOR WHOM THE SURVEY IS PREPARED, AND ON HIS BEHALF TO THE TITLE COMPANY, GOVERNMENTAL AGENCY AND LENDING INSTITUTION LISTED HEREON, AND TO THE ASSIGNEES OF THE LENDING INSTITUTION. GUARANTEES OR CERTIFICATIONS ARE NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.

I HEREBY CERTIFY THAT THE SURVEY SHOWN HEREON IS BASED ON AN ACTUAL FIELD SURVEY COMPLETED ON: FEBRUARY 4, 2016

#### CERTIFIED ONLY TO:

1. DANIEL CHATFIELD AND MARY CHATFIELD
2. NJ LENDERS CORP., ITS SUCCESSORS AND/OR ASSIGNS
3. STEWART TITLE INSURANCE COMPANY

*William E. James*

**WILLIAM E. JAMES, P.E., P.L.S.**  
 NY STATE PROFESSIONAL LAND SURVEYOR LICENSE #050506

#### PROJECT TITLE:

SURVEY PREPARED FOR  
**Daniel & Mary Chatfield**

TAX MAP SECTION 74.18, BLOCK 2, LOT 32  
 TOWN OF ORANGETOWN  
 ROCKLAND COUNTY, NEW YORK

SCALE: 1" = 20'      DATE: FEBRUARY 5, 2016      SHEET NO: 1 OF 1

PROJECT CAD REFERENCE:  
 ROCKLAND COUNTY/TOWN OF ORANGETOWN/KIM COURT/CHATFIELD.DWG

DECISION

**REAR YARD VARIANCE APPROVED**

To: Ramon and Maria Vado  
17 Kim Court  
Tappan, New York 10983

ZBA # 05-87  
Date: 9/7/05

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

Re : ZBA# 05-87: Application of Ramon and Maria Vado for a variance from Chapter 43, Section 3.12, R-15 District, Group M, Column 11 (Rear Yard: 35' required, 28' proposed) for a deck at an existing single family residence. Premises are located at 17 Kim Court, Tappan, New York and are identified on the Orangetown Tax Map as Section 74.18, Block 2, Lot 32; R-15 zone.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, September 7, 2005 at which time the Board made the determination hereinafter set forth.

Ramon Vado and Zacharias Azhar, Architect appeared and testified.

The following documents were presented:

1. Survey.
2. Plot plan with deck.
3. Deck plans with proposal dated 5/20/05.
4. Zoning Board Decision #04-93 dated 7/21/04.

On advice of Mr. Mulhearn, Attorney to the Zoning Board of Appeals, Mr. Duffy moved for a Board determination that the foregoing application is a Type II action under SEQRA regulations which does not require SEQRA environmental review. The motion was seconded by Mr. Mowerson and carried as follows: Mr. Sullivan, aye; Ms. Castelli, aye; Mr. Munno, aye; Mr. Mowerson, aye; and Mr. Duffy, aye

Zacharias Azhar, Architect, testified that the existing house sits on an odd angle; that the existing covered deck is off the kitchen and steps down into the rear yard; that they are proposing to extend this deck without a cover but in order the deck to be straight it will protrude into the rear yard by four feet beyond the required thirty-five foot set back; and that is why they are seeking a rear yard variance.

Ramon Vado testified that he purchased the house the way it is; and that there are four people in the family.

TOWN CLERKS OFFICE

SEP 29 10:47

TOWN OF ORANGETOWN

Public Comment:

No public comment.

The Board members made a personal inspection of the premises on Sunday, September 4, 2005 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.

**FINDINGS OF FACT AND CONCLUSIONS:**

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

1. The requested rear yard variance would not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. Similar decks have been constructed in the area.
2. The requested rear yard variance would have no adverse effect or impact on the physical or environmental conditions in the neighborhood or district.
3. The benefits sought cannot be achieved by other means feasible for the applicant other than obtaining a variance.

**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.

TOWN CLERKS OFFICE

5 SEP 29 AM 07

TOWN OF ORANGE TOWN



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 CLERKS OFFICE

SEP 29 10 47

TOWN OF ORANGETOWN

Vado  
ZBA # 05-87  
Page 4 of 4

The foregoing resolution to approve the application for the requested rear yard variance was presented and moved by Ms. Castelli, seconded by Mr. Mowerson, and carried as follows: Mr. Mowerson, aye; Mr. Sullivan, aye; Ms. Castelli, aye; Mr. Munno, aye; and Mr. Duffy, 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: September 7, 2005

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 - J.P.

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

TOWN CLERK'S OFFICE

5 SEP 29 AM '07

TOWN OF ORANGETOWN

DECISION

**FLOOR AREA RATIO VARIANCE APPROVED**

To: Ramon Vado  
17 Kim Court  
Tappan, New York 10983

ZBA # 04-93  
Date: 7 / 21 / 04

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

Re: ZBA# 04-93: Application of Ramon Vado for a variance from Chapter 43, R-15 District, Section 3.12, Group M, Column 4 ( Floor Area Ratio: .20 permitted, .188 existing, .21 proposed) for an addition to an existing single-family residence. Premises are located at 17 Kim Court, Tappan, New York and are identified on the Orangetown Tax Map as Section 74.18, Block 2, Lot 32; R-15 zone.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, July 21, 2004 at which time the Board made the determination hereinafter set forth.

Ramon Vado and Ricardo Luci-Plaza, Architect, appeared and testified.

The following documents were presented:

1. Architectural plans dated March 29, 2004 signed and sealed by Ricardo Luci-Plaza, Architect.

On advice of Mr. Mulhearn, Attorney to the Zoning Board of Appeals, Mr. Duffy moved for a Board determination that the foregoing application is a Type II action under SEQRA regulations which does not require SEQRA environmental review. The motion was seconded by Ms. Castelli and carried as follows: Mr. Castagna, aye; Mr. Mowerson, aye; Ms. Castelli, aye; Mr. Munno, aye; and Mr. Duffy, aye.

Ramon Vado testified that there are six people living in the house; five adults and one child.

Ricardo Luci-Plaza, Architect, testified that they are proposing to extend the rear of the house to add a breakfast room onto the kitchen and a family room; that the floor area ratio is high because of the topography of the land; that the finished basement counts in the floor area ratio of the existing house; that the addition would be 160 sq. ft. over the permitted floor area ratio; and that the existing deck would be removed.

TOWN CLERK'S OFFICE

6-21-04

TOWN OF ORANGETOWN

Public Comment:

No public comment.

The Board members made a personal inspection of the premises on Sunday, July 18, 2004 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.

**FINDINGS OF FACT AND CONCLUSIONS:**

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

1. The requested floor area ratio variance would not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. Similar additions have been constructed in the area.
2. The requested floor area ratio variance would have no adverse effect or impact on the physical or environmental conditions in the neighborhood or district.
3. The benefits sought cannot be achieved by other means feasible for the applicant other than obtaining a variance.

TOWN CLERKS OFFICE

SEP 19 12:19

TOWN OF TOWN

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

TOWN CLERK'S OFFICE

04 SEP -9 12:19

TOWN OF CHANDLER


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

The foregoing resolution to approve the application for the requested floor area ratio variance was presented and moved by Ms. Castelli, seconded by Mr. Mowerson, and carried as follows: Mr. Castagna, aye; Mr. Mowerson, aye; Mr. Munno, aye; Ms. Castelli, aye; and Mr. Duffy, 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: July 21, 2004

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 - J.P.

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

TOWN CLERKS OFFICE

10A SEP -9 04 10:19

TOWN OF ORANGETOWN