

MINUTES  
ZONING BOARD OF APPEALS  
FEBRUARY 20, 2019

MEMBERS PRESENT:

MICHAEL BOSCO  
THOMAS QUINN  
JOAN SALOMON  
PATRICIA CASTELLI,  
LEONARD FEROLDI, ALTERNATE

ABSENT:

DAN SULLIVAN

ALSO PRESENT:

Ann Marie Ambrose,	Official Stenographer
Deborah Arbolino,	Administrative Aide
Denise Sullivan,	Deputy Town Attorney

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

PUBLISHED ITEMS

APPLICANTS

DECISIONS

CONTINUED ITEM:

MANNESE  
128 N. Moison Road  
Blauvelt, NY  
70.10 / 3 / 28; R-15 zone

REAR YARD VARIANCE  
APPROVED

ZBA#18-23

NEW ITEMS:

HENRY KAUFMAN  
BRONX HOUSE  
667 Blauvelt Road  
Pearl River, New York  
69.14 / 1 / 28; R-80 zone

CONTINUED

ZBA#19-20

ONCE  
348 South Middletown Road  
Pearl River, New York  
73.09 / 1 / 5; R-15 zone

CONTINUED

ZBA#19-21

LEE CONSTRUCTION  
23 Sterling Avenue  
Tappan, NY  
77.06 / 2 / 69.2; R-15 zone

FRONT YARD VARIANCE  
APPROVED UNDERSIZED LOT  
ACKNOWLEDGED

ZBA#19-22

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BURKE  
382 Laurel Road  
Pearl River, NY  
68.07 / 3/ 13; R-15 zone

FRONT YARD, SIDE YARD, ZBA#19-23  
TOTAL SIDE YARD, AND BUILDING HEIGHT  
VARIANCES APPROVED

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 application: 125 South Greenbush Road Warehouse Expansion Site Plan, 125 South Greenbush Road, Orangeburg, NY, 74.07 / 1 / 15.1; LI zone; 155 Greenbush Properties Site Plan Review, 155 South Greenbush Road, Orangeburg, New York 74.07 / 1 / 15.2; LI zone; Subaru Distributor Corp Site Plan- Parking Lot Repairs, 6 Ramland Road, Orangeburg, New York 73.20 / 1 / 24 & 25; LIO 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: February 20, 2019

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  
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TOWN CLERK'S OFFICE

DECISION

**REAR YARD VARIANCE APPROVED**

To: Michael Mannese  
128 North Moison Road  
Blauvelt, New York 10913

ZBA #18-23  
Date: May 2, 2018 & February 20, 2019  
Permit # 47408

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#18-23: Application of Michael Mannese 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, 6' proposed) to build a deck at an existing single-family residence. The premises are located at 128 North Moison Road, Blauvelt, New York and are identified on the Orangetown Tax Map as Section 70.10, Block 3, Lot 28; in the R-15 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on the following Wednesdays, May 2, 2018 and February 20, 2019 at which time the Board made the determination hereinafter set forth.

At the May 2, 2018 hearing Michael Mannese appeared and testified.

The following documents were presented:

1. Survey dated 09/15/1981 by Adler Caruso & Young, P.C. with the deck drawn on it.
2. Deck plans.
3. Zoning Board of Appeals Decision #81-57 dated October 21, 1981.
4. A letter dated April 24, 2018 from Rockland County Department of Planning signed by Douglas J. Schuetz, Acting Commissioner of Planning.
5. A letter dated April 25, 2018 from the Rockland County Sewer District No. 1 signed by Joseph LaFiandra, Engineer II.

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

Michael Mannese testified that he just got the letter stating that there are sewer easements on the property and that he would like to request a continuance to meet with Rockland County Sewer District.

At the February 20, 2019 hearing Michael Mannese appeared and testified.

The following documents were presented:

1. Survey dated 10/30/2018 by John Atzl, Atzl, Nasher & Zigler, P.C. with the deck.
2. Deck plans.
3. Zoning Board of Appeals Decision #81-57 dated October 21, 1981.
4. A letter dated January 16, 2019 from Rockland County Department of Planning signed by Douglas J. Schuetz, Acting Commissioner of Planning.

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Mike Mannese testified that he had a new survey done of the property and the proposed deck is not in the sewer easement; that he has a very odd shaped property; that the CSX Railroad is behind his house and on the other side of the tracks are businesses; that the south side of his property long is very long and narrow and that is why he needs a variance.

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 rear yard variance will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The lot is very long and narrow and the house is situated on the lot in a way that any addition would require either a rear or side yard variance. The rear yard neighbor is CSX railways and the Rockland County Sewer District does not object to the plan as submitted.
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 lot is very long and narrow and the house is situated on the lot in a way that any addition would require either a rear or side yard variance. The rear yard neighbor is CSX railways and the Rockland County Sewer District does not object to the plan as submitted.
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 rear yard variance, although somewhat substantial, afford benefits to the applicant that are not outweighed by the detriment, if any, to the health, safety and welfare of the surrounding neighborhood or nearby community. The lot is very long and narrow and the house is situated on the lot in a way that any addition would require either a rear or side yard variance. The rear yard neighbor is CSX railways and the Rockland County Sewer District does not object to the plan as submitted.

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5. The applicant purchased the property subject to Orangetown's Zoning Code (Chapter 43) and is proposing a new addition and/or improvements, so the alleged difficulty was self-created, which consideration was relevant to the decision of the Board of Appeals, but did not, by itself, preclude the granting of the area variances.

DECISION: In view of the foregoing and the testimony and documents presented, the Board RESOLVED that the application for the requested rear yard variance ( 10.4') is APPROVED; and FURTHER RESOLVED, that such decision and the vote thereon shall become effective and be deemed rendered on the date of adoption by the Board of the minutes of which they are a part.

General Conditions:

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

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

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

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

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

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Mannese  
ZBA#18-23  
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Permit #47408

The foregoing resolution to approve the application for the requested rear yard variance (10.4') is APPROVED; was presented and moved by Mr. Feroldi, seconded by Mr. Quinn and carried as follows: Mr. Bosco, aye; Mr. Quinn, aye; Mr. Feroldi, 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: February 20, 2019

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  
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TOWN CLERK'S OFFICE

DECISION

**FRONT YARD VARIANCE APPROVED**

To: William Brodsky (Lee Construction)  
350 Boxberger Road  
Valley Cottage, NY 10989

ZBA #19-22  
Date: February 20, 2019  
Permit # 47245

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA# 19-22: Application of Lee Construction for a variance from Zoning Code (Chapter 43) of the Town of Orangetown Code, R- District, Group M, Section 3.12, Column 8 (Front Yard: 30' required, 22' proposed); Section 5.21 Undersize lot applies, for the construction of a new single-family residence. The premises are located at 23 Sterling Avenue, Tappan, New York and are identified on the Orangetown Tax Map as Section 77.08, Block 2, Lot 69.2; in the R-15 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, February 20, 2019 at which time the Board made the determination hereinafter set forth.

William Brodsky appeared and testified.

The following documents were presented:

1. Plot plan for Building Permit Lee Construction LLC dated 11/15/2017 with the latest revision date of 01/14/2019 signed and sealed by Paul Gdanski, P.E., PLLC
2. Architectural plans labeled "Proposed Single Family Dwelling for: Ryerson Farms, L.L.C. 23 Sterling Avenue Tappan, NY" dated 11/26/2018 by Barry Terach not signed or sealed.
3. Zoning board Decision dated September 23, 2013 ZBA# 13-68.
4. A picture of the area showing houses on the block with less than required front yard setbacks submitted by Mr. Brodsky.
5. A letter of opposition with an attachment from a landscape architect (3 pages).

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

On advice of Denise Sullivan, Deputy Town Attorney, counsel to the Zoning Board of Appeals, Ms. Castelli moved for a Board determination that since the Planning Board noticed its intent to declare itself Lead Agency and distributed that notice of intention to all Involved Agencies, including the ZBA who consented or did not object to the Planning Board acting as Lead Agency for these applications, pursuant to coordinated review under the State Environmental Quality Review Act Regulations § 617.6 (b)(3); and since the Planning conducted SEQRA reviews and, on January 9, 2019 (set forth in PB # 18-12) rendered environmental determinations of no significant adverse environmental impacts to result from the proposed land use actions (i.e. a "Negative Declarations" of "Neg Dec."), the ZBA is bound by the Planning Board's Neg Dec and the ZBA cannot require further SEQRA review pursuant to SEQRA Regulations § 617.6 (b)(3). The motion was seconded by Ms. Salomon and carried as follows: Mr. Quinn, aye; Mr. Feroldi, aye; Ms. Castelli, aye; Mr. Bosco, aye; and Ms. Salomon, aye. Mr. Sullivan was absent.

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Bill Brodsky gave a brief history of the project and the problems with drainage and how it was resolved with the Highway Department and DEMA by adding storm drains on Sterling Avenue; that all of this has been approved by Jimmy Dean and Mike Yannazzone; that the original structure he proposed for the lot was larger; that it was a two-story structure and he listened to the neighbors and returned with a one story ranch style house; that he is before the Board for a front yard variance only; that many of the houses on Sterling Avenue do not meet the required front yard setback; that the house that he is proposing fits into the neighborhood and he will have to add fill to the lot and have retaining walls that are shown on the plan to accommodate the house and its set back.

Public Comment:

Brian Aitchison, 108 Summit Avenue, testified that he likes the house and this one does fit into the neighborhood better; that he was not at the last planning board meeting and he is concerned about the storm drains being installed too close to the tree roots and killing them.

Victoria Schmidt, 20 Sterling Avenue, that she is happy that the house was restricted in size; that she is concerned about how the house will be able to be built 22' from the street with the steep drop off and she did not see any retaining walls on the plans.

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 variance will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. Six other houses on Sterling Avenue have houses set closer to the road than the proposed setback for this house.
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. Six other houses on Sterling Avenue have houses set closer to the road than the proposed setback for this house.

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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 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. Six other houses on Sterling Avenue have houses set closer to the road than the proposed setback for this house.
5. The applicant purchased the property subject to Orangetown's Zoning Code (Chapter 43) and is proposing a new addition and/or improvements, so the alleged difficulty was self-created, which consideration was relevant to the decision of the Board of Appeals, but did not, by itself, preclude the granting of the area variances.

DECISION: In view of the foregoing and the testimony and documents presented, the Board RESOLVED that the application for the requested front yard variance (22') 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.

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

The foregoing resolution to approve the application for the requested front yard variance (22') is APPROVED; was presented and moved by Ms. Castelli, seconded by Mr. Quinn and carried as follows: Mr. Bosco, aye; Mr. Quinn, aye; Mr. Feroldi, 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: February 20, 2019

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 OF ORANGETOWN  
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DECISION

**FRONT YARD, SIDE YARD, TOTAL SIDE YARD AND BUILDING HEIGHT  
VARIANCES APPROVED**

To: Michael Burke  
179 Ridge Street  
Pearl River, New York

ZBA #19-23  
Date: February 20, 2019  
Permit #48462

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA# 19-23: Application of Michael Burke for variances from Zoning Code (Chapter 43) of the Town of Orangetown Code, R- District, Group M, Section 3.12, Columns 8 (Front Yard: 30' required, 24.50' existing, 22.68' proposed), 9 (Side Yard: 20' required, 12' existing); and 10 (Total Side Yard: 50' required, 49' existing, 41.46 proposed) and **12 (Building Height: 22.68' permitted, 25.5' proposed)** ( added by Board at meeting) for an addition to an existing single-family residence. The premises are located at 382 Laurel Road, Pearl River New York and are identified on the Orangetown Tax Map as Section 68.07, Block 3, Lot 13; in the R-15 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, February 20, 2019 at which time the Board made the determination hereinafter set forth.

Michael and Frances Burke appeared and testified.

The following documents were presented:

1. Architectural plans dated 05/24/2018 with the latest revision date 01/14/2019 signed and sealed by Robert Hoene, Architect. ( 3 pages)

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

On advice of Denise Sullivan, Deputy Town Attorney, counsel to the Zoning Board of Appeals, Ms. Castelli moved for a Board determination that the foregoing application is a Type II action exempt from the State Environmental Quality Review Act (SEQRA), pursuant to SEQRA Regulations §617.5 (c) (9), (10), (12) and/or (13); which does not require SEQRA environmental review. The motion was seconded by Mr. Quinn and carried as follows: Mr. Bosco, aye; Ms. Salomon, aye; Mr. Quinn, aye; Mr. Feroldi, aye; and Ms. Castelli, aye. Mr. Sullivan was absent.

Michael Burke testified that the house is a cape cod style house and he would like to change the second floor to a full story instead of the ½ story that exists; that he is also proposed an eight foot addition to the side of the house; that they purchased the house in May and plan to move into it after the work is complete; that they have twin girls and a three year old boy.

Tom Quinn questioned the building height and stated that the house needed a height variance based on the requested 22.68 front yard and the code allowing 1' per foot of front yard; the Board agreed and the building height variance was added.

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Public Comment:

No public comment

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

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

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 front yard, side yard, total side yard and building height variances will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The house was built off center on the lot. Similar additions have been constructed in the neighborhood.
2. The Board acknowledged that the applicant required a building height variance and granted the building height variance 22.68' was permitted and 25.5' is proposed.
3. The requested front yard, side yard, total side yard, and building height variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The house was built off center on the lot. Similar additions have been constructed in the neighborhood.
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 front yard, side yard, total side yard and building height variances, although somewhat substantial, afford benefits to the applicant that are not outweighed by the detriment, if any, to the health, safety and welfare of the surrounding neighborhood or nearby community. The house was built off center on the lot. Similar additions have been constructed in the neighborhood.
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.

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DECISION: In view of the foregoing and the testimony and documents presented, the Board RESOLVED that the application for the requested front yard (22.68'), side yard (12'), total side yard (41.68') and building height ( 25.5') variances are APPROVED; and FURTHER RESOLVED, that such decision and the vote thereon shall become effective and be deemed rendered on the date of adoption by the Board of the minutes of which they are a part.

General Conditions:

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

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

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

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

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


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TOWN CLERK'S OFFICE

The foregoing resolution to approve the application for the requested front yard (22.68'), side yard (12'), total side yard( 41.46') and building height (25.5') variances are APPROVED; was presented and moved by Mr. Bosco, seconded by Ms. Castelli and carried as follows: Mr. Bosco, aye; Mr. Quinn, aye; Mr. Feroldi, 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: February 20, 2019

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  
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TOWN CLERK'S OFFICE