

MINUTES
ZONING BOARD OF APPEALS
JUNE 19, 2019

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

ABSENT: NONE

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

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:

LOSCHER
12 Brown Drive
Pearl River, NY
69.05 / 3 / 79; R-15 zone

FRONT YARD, SIDE YARD AND BUILDING
HEIGHT VARIANCES APPROVED
§ 5.21 UNDERSIZE LOT ACKNOWLEDGED
ZBA#19-58

ROGERS
50 Cara Drive
Pearl River, New York
69.06 / 2 / 13; R-15 zone

SIDE YARD AND TOTAL SIDE YARD VARIANCES
APPROVED
ZBA#19-59

CAMILLERI
46 Yale Terrace
Blauvelt, NY
70.10 / 2 / 45; R-15 zone

FLOOR AREA RATIO,
SIDE YARD AND TOTAL
SIDE YARD VARIANCES
APPROVED
ZBA#19-60

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

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TOWN CLERK'S OFFICE

Regulations § 617.6 (b)(3) the following application: Lipan-Weber Resubdivision Plan (lot line change) 183 & 185 North Lincoln Street, Pearl River, NY, 68.15 / 3 / 5 & 10; R-15 zone; Davidson Parking Site Plan, 606 Route 303, Blauvelt, NY, 70.10 / 3 / 1; LIO zone; Instrumentation Laboratory Site Plan, 526 Route 303, Overlay Zone, Orangeburg, NY, 70.19 / 1 / 45; LO zone; Nice Pak/PDI Site Plan; adding 2 external tanks and 2 internal tanks; 2 Nice Pak Park, Orangeburg, NY 74.07 / 1 / 16; 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 7:50 P.M.

Dated: June 19, 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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DECISION

**FLOOR AREA RATIO, FRONT YARD, SIDE YARD AND BUILDING HEIGHT
VARIANCES APPROVED SECTION 5.21 UNDERSIZED LOT ACKNOWLEDGED**

To: Steven Loscher
2 Hidden Hills Drive
Stoney Point, New York 10980

ZBA #19-58
Date: June 19, 2019
Permit # 48728

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA# 19-58: Application of Steven Loscher for variances from Zoning Code (Chapter 43) of the Town of Orangetown Code, R-15 District, Group M, Section 3.12, Columns 4 (Floor Area Ratio: .20 permitted, .242 proposed), 8 (Front Yard: 30' required, 20' 1" proposed), 9 (Side Yard: 15' required, 12' 11" proposed) and 12 (Building Height: 20' permitted, 25' 9 ½" proposed) (Section 5.21 Undersized lot applies) for an addition to an existing single-family residence. The property is located at 12 Brown Drive, Pearl River, New York and are identified on the Orangetown Tax Map as Section 69.05, Block 3, Lot 79; in the R-15 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, June 19, 2019 at which time the Board made the determination hereinafter set forth.

Steven Loscher appeared and testified.

The following documents were presented:

1. Architectural plans dated 04/24/2019 labeled "Residence for Loscher, 12 Brown Drive, Pearl River, NY" signed and sealed by Robert Anthony Grimaldi, Architect.
2. A memorandum dated May 9, 2019 from the Rockland County Department of Planning stating that the application is not within the GML review.
3. A letter dated May 17, 2019 from the Rockland County Sewer District No. 1 signed by Joseph LaFiandra, Engineer II.
4. A comment from Dyan Rajashingham, from the Rockland County Highway Department that this project is out of their jurisdiction.
5. A letter dated June 7, 2019 from the Rockland County Health Center for Environmental Health signed by Elizabeth Mello, P.E., Senior Public Health Engineer.
6. A petition in support of the application signed by 21 neighbors.

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) (11), (12), (16) and/or (17); which does not require SEQRA environmental review. The motion was seconded by Ms. Castelli and carried as follows: Mr. Bosco, aye; Ms. Salomon, aye; Mr. Sullivan, aye; Mr. Quinn, aye; Mr. Feroldi, aye; and Ms. Castelli, aye.

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Steven Loscher testified that he has lived in Rockland County for 55 years; that he purchased this property that has been abandoned for years and it needs to be improved; that a tree went through the roof and there was a lot of water damage to the house; that he would like to take off the roof and build a second floor master bedroom suite and add a front porch; that he is keeping the existing foot print and cantilevering out the second floor; that there are many houses in the area that have done similar additions; that the house right next door to him has a large addition; that there are several houses with similar addition on Secor.

Public Comment:

Walter J. Wettje, 131 Orchid Drive, Pearl River, testified that he is a 36 year resident; that he lives four houses away from this property; that it has been derelict for many years; that the property was foreclosed about ten years ago; that it has had transients in and out of it; that he is so happy that Mr. Loscher has purchased the property because he will bring it back to life and make it a home and that will add value for all of the properties in 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.

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 building height variances will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The undersized lot is acknowledged. Similar additions have been constructed in the area.
2. The requested floor area ratio, front yard, 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.
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.

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4. The requested floor area ratio, front yard, 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.

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 floor area ratio, front yard, side yard and building height variances are APPROVED; and FURTHER RESOLVED, that such decision and the vote thereon shall become effective and be deemed rendered on the date of adoption by the Board of the minutes of which they are a part.

General Conditions:

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

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

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

(iv) A building permit as well as any other necessary permits must be obtained within a reasonable period of time following the filing of this decision and prior to undertaking any construction contemplated in this decision. To the extent any variance or Special Permit granted herein is subject to any conditions, the building department shall not be obligated to issue any necessary permits where any such condition imposed should, in the sole judgment of the building department, be first complied with as contemplated hereunder.

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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.

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

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

DATED: June 19, 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-Dom

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

TOWN CLERK'S OFFICE
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DECISION

SIDE YARD AND TOTAL SIDE YARD VARIANCES APPROVED

To: Louise Male (Rogers)
103 South Greenbush Road
Orangeburg, New York 10962

ZBA #19-59
Date: June 19, 2019
Permit #48591

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#19-59: Application of Richard and Michele Rogers for variances from Zoning Code (Chapter 43) of the Town of Orangetown Code, R-15 District, Group M, Section 3.12, Columns 9 (Side Yard: 20' required, 9.8' proposed) and 10 (Total Side Yard: 50' required, 34.8' proposed) for an addition to an existing single-family residence. The premises are located at 50 Cara Drive, Pearl River, New York and is identified on the Orangetown Tax Map as Section 69.06, Block 2, 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, June 19, 2019 at which time the Board made the determination hereinafter set forth.

Louise Male, Architect, Richard and Michele Rogers appeared and testified.

The following documents were presented:

1. Architectural plans labeled " Renovations & Additions Rogers Residence" signed and sealed by Louise Male, Architect, dated 02/22/2019 with the latest revision date of 04/16/2019. (10 pages)
2. A letter dated June 7, 2019 from the Rockland County Health Center for Environmental Health signed by Elizabeth Mello, P.E., Senior Public Health Engineer.
3. A letter dated May 17, 2019 from Rockland County Sewer District No.1 signed by Joseph LaFiandra, Engineer II.
4. A letter dated June 18, 2019 from the Rockland County Department of Planning 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) (11), (12), (16) and/or (17); which does not require SEQRA environmental review. The motion was seconded by Ms. Castelli and carried as follows: Mr. Bosco, aye; Ms. Salomon, aye; Mr. Sullivan, aye; Mr. Quinn, aye; Mr. Feroldi, aye; and Ms. Castelli, aye.

Michele Rogers testified that they purchased the house fifteen years ago, when there were two of them; that presently they have three kids and love the neighborhood, the house, the church but they need more space; and that it is hard to find a house in Orangetown with the Nanuet School system and they want to keep the kids in their schools.

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Louise Male, Architect testified that Richard and Michele both leave for work very early in the morning and they would like the cars to be in a garage; that this is the most sensible place for the garage; that they did look into a detached garage in rear but the property does have a steep drop off and this location is more aesthetically pleasing .

Richard Rogers testified that the property in the rear of the house has a steep drop off and he neighbors are about 20 or 25 feet away from the property line; that they bumped out into the front yard after the Fed Ex truck drove into their house; that Tony and Michele already did an addition; that this house is part of Apple Orchard Estates and many of the houses in the neighborhood have constructed additions already.

Public Comment:

No public comment

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

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

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

FINDINGS OF FACT AND CONCLUSIONS:

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

1. The requested side yard and total side yard variances 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 side yard and total side yard variances 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 a variance.

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4. The requested side yard and total side yard 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. 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.

DECISION: In view of the foregoing and the testimony and documents presented, the Board RESOLVED that the application for the requested side yard and total 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.

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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 side yard and total side yard variances are APPROVED; was presented and moved by Mr. Quinn, seconded by Ms. Castelli and carried as follows: Mr. Bosco, aye; Mr. Quinn, aye; Mr. Sullivan, aye; Ms. Salomon, aye; and Ms. Castelli, aye.

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

DATED: June 19, 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

**FLOOR AREA RATIO, FRONT YARD, SIDEYARD AND TOTLA SIDE YARD
VARIANCES APPROVED**

To: Brian and Raychel Camilleri
46 Yale Terrace
Blauvelt, New York 10913

ZBA #19-60
Date: June 19, 2019
Permit # 48715

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA# 19-60: Application of Brian and Raychel Camilleri for variances from Zoning Code (Chapter 43) of the Town of Orangetown Code, R-15 District, Group M, Section 3.12, Columns 4 (Floor Area Ratio: .20 permitted, .25 proposed) 8 (Front Yard: 30' required, 26' proposed), 9 (Side Yard: 20' required, 10' proposed) and 10 (Total Side Yard: 50' required, 34.1' proposed) for an addition to an existing single-family residence. The premises are located at 46 Yale Terrace, Blauvelt, New York and are identified on the Orangetown Tax Map as Section 70.10, Block 2, Lot 45; in the R-15 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, June 19, 2019 at which time the Board made the determination hereinafter set forth.

Brian and Raychel Camilleri appeared and testified.

The following documents were presented:

1. Survey dated December 5, 2018 with the latest revision date of 2/27/2019 signed and sealed by John R. Atzl, L.S.
2. Architectural plans labeled "Proposed Addition and Alteration for Mr. & Mrs. Camilleri" dated 09/28/2018 signed and sealed by Jorge L. Lopez, Architect.
3. A letter in support of the application signed by ten neighbors.
4. A copy of a text message from Christian Leone, 103 North Moison Road, Blauvelt, the abutting property owner to the rear.
5. Thirty eight pictures of the items that need to be stored in the garage.

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) (11), (12), (16) and/or (17); which does not require SEQRA environmental review. The motion was seconded by Ms. Castelli and carried as follows: Mr. Bosco, aye; Ms. Salomon, aye; Mr. Sullivan, aye; Mr. Quinn, aye; Mr. Feroldi, aye; and Ms. Castelli, aye.

Brian Camilleri testified that he and his dad have a carpentry business in Airmont and he has a lot of tools and carpentry materials to store and he also has the commercial vehicle that cannot be parked overnight in the driveway.

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Raychel Camilleri read a letter and a text message in support of the application which was signed by eleven neighbors; and she testified that they have been working with an architect since they purchased the house to add the additional garage and storage space that they need; that the architect stated that the house is calling out for a front porch; that they have a daughter that will be starting kindergarten this year and the bus stop is across the street and the porch will be aesthetically pleasing and they will use it every morning and afternoon waiting for the bus.

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 total side yard variances 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 floor area ratio, front yard, side yard and total side yard variances 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 floor area ratio, front yard, side yard and total side yard 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. Similar additions have been constructed in the neighborhood.

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

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

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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 floor area ratio, front yard, side yard and total side yard variances are APPROVED; was presented and moved by Ms. Salomon, seconded by Ms. Castelli and carried as follows: Mr. Bosco, aye; Mr. Quinn, aye; Mr. Sullivan, aye; Ms. Salomon, aye; and Ms. Castelli, aye.

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

DATED: June 19, 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

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TOWN CLERK'S OFFICE