

MINUTES  
ZONING BOARD OF APPEALS  
MARCH 6, 2019

MEMBERS PRESENT: DAN SULLIVAN  
MICHAEL BOSCO  
PATRICIA CASTELLI,  
LEONARD FEROLDI, ALTERNATE

ABSENT: JOAN SALOMON  
THOMAS QUINN

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

CONTINUED ITEM:

HENRY KAUFMAN BRONX HOUSE 667 Blauvelt Road Pearl River, New York 69.14 / 1 / 28; R-80 zone	CONTINUED	ZBA#19-20
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NEW ITEMS:

31 LUDLOW LANE LLC 31 Ludlow Lane Palisades, NY 80.06 / 1 / 30; R-80 zone	CONTINUED	ZBA#19-24
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DE PINTO 138 West Park Avenue Pearl River, New York 68.19 / 3 / 52; R-15 zone	CONTINUED	ZBA#19-25
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PHELAN 15 Drewry Lane Tappan, New York 74.18 / 1 / 4; R-15 zone	TOTAL SIDE YARD VARIANCE APPROVED AS MODIFIED	ZBA#19-26
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CONOVER 175 Burrows Lane Blauvelt, NY 70.09 / 2 / 45; R-40 zone	TOTAL SIDE YARD VARIANCE APPROVED	ZBA#19-27
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TOWN CLERK'S OFFICE  
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DAVEY  
38 Ashwood Drive  
Blauvelt, NY  
70.17 / 3/ 19; R-15 zone

REAR YARD APPROVED

ZBA#19-28

Other Business:

“Consideration of adoption, as per Orangetown Zoning Code §10.334(a), of the new proposed Resume of Operations and Equipment, as last revised, and drafted, on 01/17/2019, by Orangetown’s outside expert environmental consultant, Sander Bonvell, of Earth View Environmental, relating to applications for review of Performance Standards conformance (Orangetown Zoning Code §4.1).”

The Board accepted the revised Performance Standards Resume of Operations

ADDITIONAL 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: 1050 Route 9W Site Plan, critical environmental area, 1050 Route 9W, Upper Grandview, NY, 71.09 / 1 / 28; R-22 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 10:00 P.M.

Dated: March 6, 2019

ZONING BOARD OF APPEALS  
TOWN OF ORANGETOWN

By 

Deborah Arbolino, Administrative Aide

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

TOWN OF ORANGETOWN  
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TOWN CLERK'S OFFICE

DECISION

**TOTAL SIDE YARD VARIANCE AMENDED TO 43.7' APPROVED**

To: Stephen and Jennifer Phelan  
15 Drewry Lane  
Tappan, New York 10983

ZBA #19-26  
Date: March 6, 2019  
Permit # 48446

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA# 19-26: Application of Stephen and Jennifer Phelan for a variance from Zoning Code (Chapter 43) of the Town of Orangetown Code, R-15 District, Group M, Section 3.12, Column 10 (Total Side Yard: 50' required, 41.7' proposed; 43.7' approved) for an addition to an existing single-family residence. The property is located at 15 Drewry Lane, Tappan, New York and is identified on the Orangetown Tax Map as Section 74.18, Block 1, Lot 4; in the R-15 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, March 6, 2019 at which time the Board made the determination hereinafter set forth.

Stephen and Jennifer Phelan and Glenn Lumia, Business address is 204 Livingston Street, Northvale, appeared and testified.

The following documents were presented:

1. Architectural plans dated 12/7/2018 labeled Site Plan, Zoning Calculations Perspective Views A-1; Floor Plans A-2; Exterior Elevations A-3 signed and sealed by Vincent Graziano, Architect.
2. Two pictures of similar additions.
3. A letter in opposition.

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; Mr. Sullivan, aye; Mr. Feroldi, aye; and Ms. Castelli, aye. Ms. Salomon and Mr. Quinn were absent.

Stephen Phelan testified that he and his wife have ten siblings between them; that they have three daughters and presently two daughters share a bedroom; that five of the siblings do not live in the area; that they host family gatherings often and that they really need an additional bedroom; and that they have lived in the house for thirteen years.

Glenn Lumia, Creative Design, stated that the application does not need a side yard variance; that it is short for the total side yard requirements; that the property is irregularly shaped and is larger in the rear than in the front; that the proposing addition is similar another addition that was done on Newport ;and that they could reduce the addition by two feet and increase the total side yard to 43.7'.

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Public Comment:

Maria Ironside, 32 Drewery Lane, testified that a 20 foot extension to the existing structure will bring the building much closer to the neighboring home; that this is the exact situation that the code was written to prevent; that people choose to purchase a home in this zoning code to enjoy side yard setbacks and other benefits of the standards guaranteed by R-15; that the setbacks provide for noise and visual privacy that make people feel comfortable both inside their home and outside in their yard; that every other house in this area abides by the R-15 code; that in surveying over 60 homes in the immediate surroundings, she found not one instance where a variance has been issued to circumvent the side yard setback; that disturbing the code in this way would begin to change the character of the neighborhood and affect the value of other properties; that of the 7 homes on the street closest to the applicant, 5 have made substantial additions to the original footprint, including 2 with the exact same architectural design; that no one project has impinged on the R-15 zoning requirements; that variances are behind much of the destructive over-development problems facing the county and town; that variances once begun, can lead down a slippery slope; that it has ended up in property devaluation, skyrocketing taxes and other negative impacts on community welfare; that neighboring municipalities are being sued by groups that claim illegal discrimination because one got a variance and all the others must too; that the applicants can add space to their home without seeking to set a precedent in exceeding the side yard setback; and that for these reasons she would ask that the application not be approved.

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 total side yard variance as amended to 43.7' 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 total side yard variance as amended to 43.7' 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.

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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 total side yard variance as amended 43.7', 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 total side yard variance as amended to 43.7' 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 total side yard variance as amended to 43.7' is APPROVED; was presented and moved by Mr. Bosco, seconded by Ms. Castelli and carried as follows: Mr. Bosco, aye; Mr. Sullivan, aye; and Ms. Castelli, aye. Mr. Quinn and Ms. Salomon were 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: March 6, 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-G.M.

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

TOWN OF ORANGETOWN  
TOWN CLERK'S OFFICE  
2019 MAR 13 P 1:39

DECISION

**TOTAL SIDE YARD VARIANCE APPROVED**

To: Christopher and Kate Conover  
175 Burrows Lane  
Blauvelt, New York 10913

ZBA #19-27  
Date: March 6, 2019  
Permit # 47593

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA# 19-27: Application of Christopher and Kate Conover for a variance from Zoning Code (Chapter 43) of the Town of Orangetown Code, R-40 District, Group E, Section 3.12, Column 10 (Total Side Yard: 80' required, 61.75' proposed) for the construction of a pool house at an existing single-family residence. The premises are located at 175 Burrows Lane, Blauvelt, New York and are identified on the Orangetown Tax Map as Section 70.09, Block 2, Lot 45; in the R-40 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, March 6, 2019 at which time the Board made the determination hereinafter set forth.

Christopher Conover and Roberto Palmerini, Architect appeared and testified.

The following documents were presented:

1. Copy of the survey with the proposed pool house, dated March 27, 2011 and revised January 4, 2019 signed and sealed Robert Sorace, PLS.
2. Architectural plans for the Pool House dated 1/28/2019 signed and sealed by Roberto Palmerini, 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) (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; Mr. Sullivan, aye; Mr. Feroldi, aye; and Ms. Castelli, aye. Mr. Quinn and Ms. Salomon were absent.

Roberto Palmerini, Architect, testified that the pool house is proposed to on the right side of the pool at the edge of the coping because the utilities are on that side of the property and it is also heavily wooded behind it and the easement for O&R utilities is located on that side of the property, which means the pool house would be less intrusive for the neighbor on that side; that there is a stone retaining wall around the pool and a bit of a drop off the rear of the pool; and the other side of the yard has a play area for the children and affords clear views into the house.

Christopher Conover testified that he has four children aged 8,7 and twin boys aged 5 and they need all eyes on them at all times.

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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 total side yard variance will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The area where the pool house is proposed to be installed backs up to the 20' wide O&R easement and because of the easement will be quite a distance from the abutting property.
2. The requested total side yard variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The area where the pool house is proposed to be installed backs up to the 20' wide O&R easement and because of the easement will be quite a distance from the abutting property.
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 total side yard variance, although somewhat substantial, afford benefits to the applicant that are not outweighed by the detriment, if any, to the health, safety and welfare of the surrounding neighborhood or nearby community. The area where the pool house is proposed to be installed backs up to the 20' wide O&R easement and because of the easement will be quite a distance from the abutting property.

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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 total side yard variance is APPROVED; and FURTHER RESOLVED, that such decision and the vote thereon shall become effective and be deemed rendered on the date of adoption by the Board of the minutes of which they are a part.

General Conditions:

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

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

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

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

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

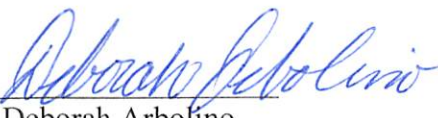
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The foregoing resolution to approve the application for the requested total side yard variance is APPROVED; was presented and moved by Mr. Sullivan, seconded by Ms. Castelli and carried as follows: Mr. Bosco, aye; Mr. Feroldi, aye; Mr. Sullivan, aye; and Ms. Castelli, aye. Mr. Quinn and Ms. Salomon were 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: March 6, 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 CLERK'S OFFICE  
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TOWN OF ORANGETOWN

DECISION

**REAR YARD VARIANCE APPROVED**

To: Denis Davey  
38 Ashwood Drive  
Orangeburg, New York 10962

ZBA #19-28  
Date: March 6, 2019  
Permit #48468

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA# 19-28: Application of Denis Davey 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, 28' proposed) for an existing deck at an existing single-family residence. The premises are located at 38 Ashwood Drive, Blauvelt, New York and are identified on the Orangetown Tax Map as Section 70.17, Block 3, Lot 19; in the R-15 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, March 6, 2019 at which time the Board made the determination hereinafter set forth.

Denis Davey and Maureen Barbey appeared and testified.

The following documents were presented:

1. Architectural plans labeled "The Davey Residence Deck with a site plan dated November 19, 2018 signed and sealed by Barbara Hess, architect with deck details.

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; Mr. Sullivan, aye; Mr. Feroldi, aye; and Ms. Castelli, aye. Mr. Quinn and Ms. Salomon were absent.

Denis Davey testified that the deck existed on the house when he purchased the house 26 years ago; that it does not have a certificate of occupancy; and he is coming before the Board to legalize the deck because the house is going to be put on the market for sale soon; that he doesn't want his daughter to have a headache when he moves on.

Public Comment:

No public comment

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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. Similar decks exist in the neighborhood.
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. Similar decks exist 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.
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. Similar decks exist 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.

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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 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.

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

Mr. Quinn and Ms. Salomon were 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: March 6, 2019

ZONING BOARD OF APPEALS  
TOWN OF ORANGETOWN

By *Deborah Arbolino*  
Deborah Arbolino  
Administrative Aide

DISTRIBUTION:

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

TOWN CLERK  
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FILE,ZBA, PB  
CHAIRMAN, ZBA, PB, ACABOR

TOWN CLERK'S OFFICE  
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