

**TOWN OF ORANGETOWN ARCHITECTURE AND COMMUNITY APPEARANCE
BOARD OF REVIEW - MEETING OF JULY 3, 2014**

MEMBERS PRESENT: Jack Messina, Chairman; James Dodge, Jill Fieldstein, Blyth Yost, Deborah Stuhlweissenburg, Stephen Swenney and Andrew Andrews

MEMBERS ABSENT: None

ALSO PRESENT: Richard Pakola, Deputy Town Attorney; Ann Marie Ambrose, Stenographer and Cheryl Coopersmith, Chief Clerk

Jack Messina, Chairman, called the meeting to order at 7:30 p.m. Mr. Messina read the agenda. Hearings as listed on this meeting's agenda which are made a part of these minutes were held as noted below.

New Items:

H & R Block Plans **ACABOR #14 - 16**
Review of Sign Plans **Approved as**
68.16 / 6 / 57; CS zoning district **Presented**

Lamont Doherty Earth Observatory **ACABOR #14 - 17**
Generator Plan **Approved as**
Review of Generator Plan **Presented**
80.10 / 1 / 2; R-80 zoning district

Royal Caribbean **ACABOR #13 - 46**
Artificial Palm Tree Plan **Approved as**
Review of Palm Tree Plan **Presented**
Route 303 Overlay Zone
74.19 / 1 / 2; LI zoning district

A motion was made to appoint Blythe Yost as Vice Chairwoman by Jack Messina and seconded by Deborah Stuhlweissenburg and carried as follows: Jack Messina, Chairman, aye; James Dodge, aye; Blyth Yost, aye; Jill Fieldstein, aye; Deborah Stuhlweissenburg, aye, Stephen Swenney, aye and Andrew Andrews, aye.

A motion was made to adjourn the meeting by Blythe Yost and seconded by James Dodge and carried as follows: Jack Messina, Chairman, aye; James Dodge, aye; Blyth Yost, aye; Jill Fieldstein, aye; Deborah Stuhlweissenburg, aye, Stephen Swenney, aye and Andrew Andrews, aye.

The Decisions on the above hearings, which Decisions are made by the Board before the conclusion of the meeting, are mailed to the applicant. The verbatim minutes are not transcribed, but are available. As there was no further business before the Board, the meeting was adjourned at 8:45 p.m. The next ACABOR Meeting is scheduled for July 17, 2014.

Dated: July 3, 2014
Cheryl Coopersmith
Chief Clerk Boards and Commissions



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**ACABOR #14-16: H & R Block Sign Plan - Approved as Presented
Town of Orangetown – Architecture and Community Appearance Board of
Review Decision**

**July 3, 2014
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TO: Brian O’Conner, Frohling Sign Company, 419 Route 59,
Nanuet, New York
FROM: Architecture and Community Appearance Board of Review

RE: H & R Block Sign Plan: The application of Frohling Sign Company, applicant for Pearl River Realty Corporation, owner, for the Review of Sign Plans at a site to be known as “H & R Block Sign Plan”, in accordance with Article 16 of the Town Law of the State of New York and Chapter 2 of the Code of the Town of Orangetown. The site is located at 47 East Central Avenue, Pearl River, Town of Orangetown, Rockland County, New York and as shown on the Orangetown Tax Map as Section 68.16, Block 6, Lot 57 in the CS zoning district.

Heard by the Architecture and Community Appearance Board of Review of the Town of Orangetown at a meeting held **Thursday, July 3, 2014**, at which time the Board made the following determinations:

Brian O’Connor appeared and testified for the applicant.

The Board received the following items:

- A. Sign Plans prepared by Everbrite, LLC dated February 7, 2014:**
 - a. Page 2 of 9: Existing Signage
 - b. Page 3 of 9: Signage Recommendations
- B. Photographs of the façade with imaging of the Sign on the building.**
- C. A Vicinity Map.**

FINDINGS OF FACT:

1. The Board found that the applicant proposed signage on the front building façade. The sign would replace an existing box sign with LED lighting.
2. The Board found that the signage would be raceway style with individual channel letters. Each letter would be 15 ¾” high in white formed letters. The length of the sign would be 14’- 1 5/8”. The green square shaped logo would measure 30” by 30”. The sign is similar to other neighboring commercial signs in downtown Pearl River. The square footage of the sign is within the Town of Orangetown Zoning Code.
3. The Board found that the sign would be placed on a timer and would not be lit at night.

The hearing was then opened to the Public. There being no one to be heard from the public, the Public Hearing portion of the meeting was closed.

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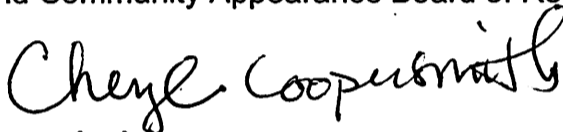
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DECISION: In view of the foregoing and the testimony before the Board, the application was **APPROVED AS PRESENTED.**

The foregoing resolution was presented and moved by Jack Messina and seconded by Stephen Swenney and carried as follows: Jack Messina, Chairman, aye; Blyth Yost, aye; James Dodge, aye, Jill Fieldstein, aye; Deborah Stuhlweissenburg, aye, Stephen Swenney, aye and Andrew Andrews, aye.

The Clerk to the Board is hereby authorized, directed and empowered to sign this Decision and file a certified copy in the Office of the Town Clerk and the Office of the Architecture and Community Appearance Board of Review.

**Dated: July 3, 2014
Cheryl Coopersmith
Chief Clerk Boards and Commissions**



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**ACABOR #14-17: Lamont Doherty Earth Observatory Generator Plan –
Approved as Presented
Town of Orangetown Architecture and Community Appearance Board of
Review Decision**

**July 3, 2014
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TO: Patrick O'Reilly, Lamont Doherty Earth Observatory
61 Route 9w, Palisades, New York 10964
FROM: Architecture and Community Appearance Board of Review

RE: Lamont Doherty Earth Observatory – The application of Patrick O'Reilly of Columbia University, for Columbia University, owner, for review of a Generator Plan, at a site known as "**Lamont Doherty Earth Observatory Generator Plan**", in accordance with Article 16 of the Town Law of the State of New York and Chapter 2 of the Code of the Town of Orangetown. The site is located at 61 Route 9W, Palisades, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 80.10, Block 1, Lot 2 in the R-80 zoning district.

Heard by the Architecture and Community Appearance Board of Review of the Town of Orangetown at a meeting held **Thursday, July 3, 2014**, at which time the Board made the following determinations:

Patrick O'Reilly appeared and testified for the applicant.

The Board received the following items:

A. Plans entitled Borehole Research Generator Installation prepared by Rowland Engineering, LLC, dated August 1, 2013, last revision date of April 24, 2014:

- T-001.00: Title Sheet
- T-002.00: Site Plan
- E-001.00: Symbols, Details and Drawing List
- E-002.00: Electrical Specifications
- E-100.00: Site Plan and Part Plans
- E-200.00: One-Line/ Schematic Diagram
- M-100.00: Site Plan and Details
- M-200.00: Mechanical Specifications

B. Overall Site Map prepared by Atzl, Scatassa & Zigler, P.E., dated November 22, 2005, last revision date of June 14, 2006.

C. Material Sheet, signed by Patrick O'Reilly, dated June 18, 2014.

D. A letter from Lamont-Doherty Earth Observatory, dated June 18, 2014, with photographs of site.

E. Generator Set Data Sheet, Cummins Power Generation, model GGHG.

FINDINGS OF FACT:

1. The Board found that the project consists of a natural gas generator for a Data Center building. The generator is necessary to ensure that the facility will continue to operate during periods of prolonged power outages.
2. The Board found that the proposed generator would be located at the south corner of the building, allowing the greatest distance to the nearest residential structure.

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3. The Board found that the generator would be placed inside a sound proof enclosure. The generator would be exercised once a week in order to ensure proper operation, when an emergency arises.

The hearing was then opened to the Public. There being no one to be heard from the public, the Public Hearing portion of the meeting was closed.

DECISION: In view of the foregoing and the testimony before the Board, the application was APPROVED AS PRESENTED.

The foregoing resolution was presented and moved by Jack Messina and seconded by Jill Fieldstein and carried as follows; Jack Messina, Chairman, aye; Jill Fieldstein, aye; James Dodge, aye; Blythe Yost, aye; Andrew Andrews, aye, Stephen Sweeney, aye and Deborah Stuhlweissenburg, aye.

The Clerk to the Board is hereby authorized, directed, and empowered to sign this Decision and file a certified copy in the Office of the Town Clerk and the Office of the Architecture and Community Appearance Board of Review.

**Dated: July 3, 2014
Cheryl Coopersmith
Chief Clerk Boards and Commissions**



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**ACABOR #13-46: Royal Caribbean Artificial Palm Tree Plan –
Approved as Presented
Town of Orangetown – Architecture and Community Appearance
Board of Review Decision**

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TO: Donald Brenner, 4 Independence Avenue, Tappan,
New York 10983
FROM: Architecture and Community Appearance Board of Review

RE: Royal Caribbean Artificial Palm Tree Plan: Application of Vincent Hosang, owner, for the review of an artificial palm tree plan, at a site known as “**Royal Caribbean Artificial Palm Tree Plan**”, in accordance with Article 16 of the Town Law of the State of New York and Chapter 2 of the Code of the Town of Orangetown. The site is located at 117 Route 303, Tappan, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 74.19, Block 1, Lot 2 in the LI zoning district.

Heard by the Architecture and Community Appearance Board of Review of the Town of Orangetown at meetings held **Monday, September 9, 2013 and Thursday, July 3, 2014**, at which time the Board made the following determinations:

September 9, 2013

Donald Brenner, Sabrina and Vincent HoSang appeared and testified for the applicant.

The Board received the following items:

A. Site Plan prepared by Cybul Cybul Wilhelm Architects, dated July 31, 2013.

FINDINGS OF FACT:

1. The Board found that the applicant placed artificial palm trees on the site, as noted on the submitted Site Plan. The illuminated trees create a higher profile of the building along Route 303, enabling customers to easily find the business.
2. The Board found that the applicant noted that since the installation of the trees, their customer base has increased by 50 percent.
3. The Board found that the installation of “Plastic Trees” would set a precedent for imitation landscaping along the Route 303 corridor.
4. The Board found that the trees blend with warm weather vegetation, however during the winter months may stand out.
5. The Board found that a trial period would be granted to the applicant, allowing the Board to review the trees in warm and cold weather. The applicant may illuminate as many trees as they find necessary to support their request.

Public Comment:

Ellen McCarthy, Tappan resident, held that the planted berm on the site is one of the most attractive in Rockland County.

Emeliay Dominuez, a small business owner in the County, supported the trees, noting that 62% of the workforce at Royal Caribbean lives in Rockland County.

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The applicant requested a **CONTINUATION**.

July 3, 2014

Sabrina and Vincent HoSang, Donald Brenner and Sarah Torrens appeared and testified for the applicant.

The Board received the following items:

A. Site Plan prepared by Cybul Cybul Wilhelm Architects, dated July 31, 2013.

B. Submitted at the meeting by the applicant, a report entitled “Caribbean Food Delights Palm Tree (LOGO – ORNAMENT)”, dated July 2014. The report included the following attachments:

- Photographs of a Keep Rockland Beautiful award dinner and a Certificate entitled “Beautification Award 2011”,
- A copy of a Community Beautification Award, presented by the Town of Orangetown Highway Department, signed by James J. Dean, Highway Superintendent dated April 26, 2011,
- Real Estate Appraisal prepared by Golda Associates, dated June 16, 2014, and
- Copies of emails/letters in support of the palm trees;
 1. Brett Caminex, local business owner, dated September 9, 2013;
 2. Linda Delponte, resident, dated July 3, 2013;
 3. John Paul, H&M Bay, Inc., a company vendor, dated July 2, 2014;
 4. Nimal Amitirigala, Global Category Manager – General Grocery GK Foods, dated July 2, 2014

C. Submitted at the meeting by the applicant, spreadsheets of Caribbean Food Delights Accounts Receivables – Customer Sales Analysis for 2013 and 2014.

D. Submitted at the meeting by the applicant, Company publication entitled “Caribbean Delights”, volume 5, No. 2, dated May 2011 and a magazine entitled “Orangetown Police Department, Community Outreach Publication”.

FINDING OF FACT:

1. The Board found that the applicant held that the artificial palm trees are not signs as defined by the Town of Orangetown Building Department, but are site ornamentations that represent the company. Ms. HoSang presented a palm tree pen set that is distributed to company clients.

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2. The Board found that the applicant noted that the Orangetown Police Department records do not show evidence of any increase in traffic along Route 303 as a result of the palm tree ornamentation.
3. The Board found that nighttime photographs of the artificial palm trees were presented by the applicant and as well as Board Members. The photographs noted different conditions of the lighting, however, it was determined that the LED tree lights do not glare onto Route 303.
4. The Board found that a Board member, a realtor by profession, raised concerns regarding the potential decrease in property values along Route 303 as a result of the artificial palm trees. The applicant referred the Board to the Real Estate Appraisal in the submitted documents, noting that ...“The writer does not deem the recent installation of light fixtures with decorative ornamental cover to have an adverse effect on area marketability, appeal or value”.
5. The Board found that there was no public in attendance at the meeting, even though the project appearance had been properly noticed. The Board determined that there was no evidence that the artificial palm trees had a negative impact or were detrimental to the community.
6. The Board found that the trees were constructed of plastic and raised concerns regarding continued maintenance. The Board requested and the applicant agreed that if an artificial tree is deteriorating, it would be repaired in a timely fashion.

The hearing was then opened to the Public. There being no one to be heard from the public, the Public Hearing portion of the meeting was closed.

DECISION: In view of the foregoing and the testimony before the Board, the application was **APPROVED AS PRESENTED.**

The foregoing resolution was presented and moved by Jill Fieldstein and seconded by James Dodge and carried as follows; Jack Messina, Chairman, nay; James Dodge, aye, Jill Fieldstein, aye, Blyth Yost, aye, Deborah Stuhlweissenburg, nay, Stephen Swenney, aye and Andrew Andrews, aye.

The Clerk to the Board is hereby authorized, directed and empowered to sign this Decision and file a certified copy in the Office of the Town Clerk and the Office of the Architecture and Community Appearance Board of Review.

**Dated: July 3, 2014
Cheryl Coopersmith
Chief Clerk Boards and Commissions**



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