

MINUTES  
ZONING BOARD OF APPEALS  
February 15, 2017

MEMBERS PRESENT: DAN SULLIVAN  
MICHAEL BOSCO  
JOAN SALOMON  
LEONARD FEROLDI, ALTERNATE

ABSENT: PATRICIA CASTELLI  
THOMAS QUINN

ALSO PRESENT: Dennis Michaels, Esq. Deputy Town Attorney  
Ann Marie Ambrose, Official Stenographer  
Deborah Arbolino, Administrative Aide  
Christian Catania, Senior Clerk Typist

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:

DUNNE SIDE YARD AND TOTAL ZBA#17-13  
63 Lincoln Avenue SIDE YARD VARIANCES APPROVED  
Pearl River, NY  
68.15 / 3 / 57; RG zone

MARIA'S MEXICAN RESTAURANT PARKING PARKING VARIANCES ZBA#17-14  
8 North William Street APPROVED  
Pearl River, NY  
68.16 / 6 / 60; CS zone

100 BRADLEY PARKWAY PERFORMANCE STANDARDS ZBA#17-15  
PERFORMANCE STANDARDS CONFORM  
FOR AN EMERGENCY GENERATOR  
100 Bradley Parkway  
Blauvelt, NY  
65.18 / 1 / 17; LI/LIO zone

ARON STREIT INC. PERFORMANCE STANDARDS ZBA#17-16  
PERFORMANCE STANDARDS CONFORM  
FOR INTERNAL ALTERATION AND  
OPERATION FOR MATZOS  
171 Route 303  
Orangeburg, NY  
74.15 / 1 / 13; LI zone

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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 15, 2017

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 CLERKS OFFICE  
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TOWN OF ORANGETOWN

DECISION

**SIDE YARD AND TOTAL SIDE YARD VARIANCES APPROVED**

To: Diane Dunne  
63 Lincoln Avenue  
Pearl River, New York 10965

ZBA #17-13  
Date: February 15, 2017  
Permit # 46057

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#17-13: Application of Diane Dunne for variances from Zoning Code (Chapter 43) of the Town of Orangetown Code, RG District, Group Q, Columns 9 (Side Yard: 10' required, 6.9' existing) and 10 (Total Side Yard: 30' required, 15.48' existing) for an existing deck at a single-family residence. The premises are located at 63 Lincoln Avenue, Pearl River, New York and are identified on the Orangetown Tax Map as Section 68.15, Block 3, Lot 57; in the RG zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, February 15, 2017 at which time the Board made the determination hereinafter set forth.

Diane Dunne and Suzanne Dunne appeared and testified.

The following documents were presented:

1. Copy of survey for Dunne property with the deck drawn on it.

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) (9), (10), (12) and/or (13); 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; and Mr. Feroldi, aye. Mr. Quinn and Ms. Castelli were absent.

Diane Dunne testified that the deck was built about thirty years ago; that she is selling the house and found out that there is no certificate of occupancy for the deck; and that she has had it certified by an architect.

Suzanne Dunne testified that the deck is in line with the existing house.

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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. 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 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. The deck has existed for many years without incident and is in line with the existing house setbacks.
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.
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 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.
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 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.

(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 side yard and total side yard variances was presented and moved by Mr. Bosco, seconded by Ms. Salomon and carried as follows: Mr. Sullivan, aye; Mr. Feroldi, aye; Mr. Bosco, aye; and Ms. Salomon, aye. Mr. Quinn and Ms. Castelli 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: February 15, 2017

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  
2017 MAR 2 PM 2 34  
TOWN CLERKS OFFICE

DECISION

**SECTION 3.11, COLUMN 6 #5: OFF-STREET PARKING VARIANCE (10 SPACES) APPROVED**

To: John McDarby (Maria's Mexican)  
8 North William Street  
Pearl River, New York 10965

ZBA #17-14  
Date: February 15, 2017  
Permit # 45930

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#17-14: Application of Maria's Mexican Restaurant for a variance from Zoning Code (Chapter 43) of the Town of Orangetown Code, CS District, Section 3.11, Column 6 #5 (One off-street parking space required for 100 sq. ft. of gross floor area: 16 spaces required, 12 spaces provided) for a new restaurant. The premises are located at 8 North William Street, Pearl River, New York and are identified on the Orangetown Tax Map as Section 68.16, Block 6, Lot 60; in the CS zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, February 15, 2017 at which time the Board made the determination hereinafter set forth.

John McDarby appeared and testified.

The following documents were presented:

1. Site plan dated 11/29/2016 by Thomas J. Mesuk, Architect.
2. Four colored computer pictures of the area showing available off-site parking.
3. Planning Board Decision #17-04 dated January 11, 2017.
4. A letter dated February 15, 2017 from the County of Rockland highway Department signed by Sonny Lin, P.E..
5. A letter dated February 6, 2017 from the County of Rockland Department of Planning signed by Douglas J. Schuetz, Acting Commissioner of Planning.
6. A letter dated January 18, 2017 from the Rockland County Health Division of Environmental Health signed by Scott McKane, P.E..

Mr. Sullivan, Chairman, made a motion to open the Public Hearing which motion was seconded by Ms. Salomon 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 seeks area or bulk variances for construction or expansion of a primary or accessory or appurtenant, non-residential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls; this application is exempt from the State Environmental Quality Review Act (SEQRA), pursuant to SEQRA Regulations §617.5 (c) (7); which does not require SEQRA environmental review. The motion was seconded by Ms. Salomon and carried as follows: Mr. Bosco, aye; Ms. Salomon, aye; Mr. Sullivan, aye; and Mr. Feroldi, aye. Mr. Quinn and Ms. Castelli were absent.

John Mc Darby testified that they have a lot a street parking after five P.M.; that half of the spots in the parking lot are used by commuters and that lot empties out after five also; that there are 14 parking spots on the street going up to Williams that are not used by people going onto central Avenue; that he used to own La Cocina at 53 East Central Avenue from April 28 1996 until January 1, 2006; that for 11 years his gross numbers stayed the same; that there was not enough capacity in the restaurant to make more money; that it only sat 48 people; that this restaurant will seat 60 and 14 at the bar; and he will not be open during the day; that he will open at five P.M.

TOWN OF ORANGETOWN  
CLERK  
2017 FEB 15 PM 2:04

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 § 3.11, Column 6 #5 off-street parking space variance will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The applicant has submitted several pictures showing available off-site parking in the immediate area, and also testified to owning a restaurant at 53 East Central Avenue for 11 years and parking was not an issue. The new restaurant will open at five P.M. and there should be sufficient parking after the commuters pick up their cars.
2. The requested § 3.11, Column 6 #5 off-street parking space variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The applicant has submitted several pictures showing available off-site parking in the immediate area, and also testified to owning a restaurant at 53 East Central Avenue for 11 years and parking was not an issue. The new restaurant will open at five P.M. and there should be sufficient parking after the commuters pick up their cars.
3. The Zoning Board voted to override modification #1 from the Rockland County Department of Planning letter dated February 6, 2017 because lots 61.1 & 61.2 are not part of the restaurant use as relate to off-street parking requirement.
4. The Zoning Board voted to override modification #2 from the Rockland County Department of Planning letter dated February 6, 2017 because John Giardiello, P.E.'s 01/11/2017 memorandum indicates that no variances are required; therefore a bulk table is unnecessary.
5. The Zoning Board voted to override modification #3 from the Rockland County Department of Planning letter dated February 6, 2017 because the loss of 2 off-street parking spaces is due to creation of a handicapped reserved space; and the Zoning Board of Appeals finds the difference from 12 to 10 spaces to be de minimis due to other off-street parking options.
6. The benefits sought by the applicant cannot be achieved by other means feasible for the applicant to pursue other than by obtaining variances.

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7. The requested § 3.11, Column 6 #5 off-street parking space variance, although somewhat substantial, affords 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 applicant has submitted several pictures showing available off-site parking in the immediate area, and also testified to owning a restaurant at 53 East Central Avenue for 11 years and parking was not an issue. The new restaurant will open at five P.M. and there should be sufficient parking after the commuters pick up their cars.
8. The applicant must obtain a work permit from the Rockland County Highway Department for the proposed development.
9. The applicant must contact Rockland County Department of Health, Jeanne Longo for permitting requirements for a food service establishment.
10. 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 § 3.11, Column 6 #5 off-street parking space (modified to 10 parking spaces to accommodate the handicap space) variance 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.

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(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.

The foregoing resolution to approve the application for the requested § 3.11, Column 6 #5 off-street parking space variance ( modified to 10 off-street parking spaces to accommodate the handicap space) was presented and moved by Ms. Castelli, seconded by Ms. Salomon and carried as follows: Mr. Sullivan, aye; Mr. Feroldi, aye; Mr. Quinn, aye ;Ms. Castelli, aye; and Ms. Salomon, aye. Mr. Bosco 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 15, 2017

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 CLERKS OFFICE  
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TOWN OF ORANGETOWN

DECISION

**CONFORMANCE TO PERFORMANCE STANDARDS APPROVED**

To: Moshe Aronowitz (100 Bradley Parkway)      ZBA #17-15  
26 West 17<sup>th</sup> Street Suite 801                      Date: February 15, 2017  
New York, New York 10011                          Permit # 46015

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA# 17-15: Application of 100 Bradley Parkway requesting the Zoning Board of Appeals' review, and determination, of conformance with the Town of Orangetown Zoning Code (Orangetown Code Chapter 43) Section 4.1 Performance Standards: review of an emergency generator. The building is located at 100 Bradley Parkway, Blauvelt, New York and are identified on the Orangetown Tax Map as Section 65.18, Block 1, Lot 17; in the LI/LO zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, February 15, 2017 at which time the Board made the determination hereinafter set forth.

Arthur Chabon, Architect, and Michael Putnan, Engineer, appeared and testified.

The following documents were presented:

1. Site Plan, Existing & Proposed North Exterior Elevation, Existing & Proposed Exterior East Elevation revised 12/12/2016, dated November 16, 2016 signed and sealed by Arthur D. Chabon, Architect.
2. ACA UOVO Bradley proposed exterior mechanical equipment cut sheets ( 4 pages).
3. PPI quotation agreement dated September 15, 2016 (4pages).
4. Kohler Power Systems Model 100REZGD spec sheets (4pages).
5. Resume of Operations and Equipment dated 12/23/2016.
6. Fire Prevention Supplement.
7. ACABOR Decision dated January 5, 2017.
8. A letter dated January 31, 2017 from the Rockland County Department of Planning signed by Douglas J. Schuetz, Acting Commissioner of Planning.
9. A memorandum dated February 14, 2017 from Michael B. Bettmann, Chief Fire Inspector, Town of Orangetown.
10. A letter dated February 14, 2017 from Joseph J. Moran, P.E., Commissioner, Department of Environmental Management and Engineering, Town of Orangetown.
11. A letter dated January 10, 2017 from the Rockland County Health Division of Environmental Health signed by Scott McKane, Senior Public Health Engineer.

Mr. Sullivan, Chairman, made a motion to open the Public Hearing which motion was seconded by Mr. Bosco 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, based upon the testimony heard by this Board and the facts as presented in the application submissions and in the record, that since the application entails the ZBA engaging in a review to determine compliance with technical requirements the application is a Type II action exempt from the State Environmental Quality Review Act (SEQRA), pursuant to SEQRA Regulations §617.5 (c) (28); which does not require SEQRA environmental review. The motion was seconded by Ms. Salomon and carried as follows: Mr. Bosco, aye; Mr. Ferullo, aye; Mr. Sullivan, aye; and Ms. Salomon, aye. Mr. Quinn and Ms. Castelli were absent.

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Arthur Chabon testified that they are installing an emergency generator to support the plumbing systems for the Art Storage which will house fine art.

Michael Putnan, Engineer, testified that the generator will be a 100 kw gas fired generator that shall be used for emergencies; that this size generator only needs to be tested once a month.

Public Comment:

No public comment.

The Board asked the Attorney if a long form EAF would be necessary and they were told no that it is not necessary for these applications.

The Board reviewed the Performance Standards and Fire Supplement forms.

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 Mr. Bosco and carried unanimously.

**FINDINGS OF FACT AND CONCLUSIONS:**

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

Based upon the information contained in the applicant's Resume of Operations and Equipment and the Fire Prevention Supplement; the report dated February 14, 2017 from Joseph J. Moran, P.E., Commissioner of the Orangetown Department of Environmental Management and Engineering (D.E.M.E.); the report dated February 14, 2017 from Michael B. Bettmann, Chief Fire Inspector, Town of Orangetown Bureau of Fire Prevention (B.F.P.); and the report dated January 31, 2017 from Douglas J. Schuetz, Rockland County Department of Planning; the other documents submitted to the Board and the testimony of Applicant's representatives, the Board finds and concludes that the application conforms with the Performance Standards set forth in Zoning Code Section 4.1, subject to compliance with the orders, rules and regulations of the Orangetown Office of Building, Zoning & Planning Administration & Enforcement, D.E.M.E., and B.F.P., and all other departments having jurisdiction of the premises.

**DECISION:** In view of the foregoing and the testimony and documents submitted, the Board: **RESOLVED**, that the Application for Performance Standards Conformance, pursuant to Zoning Code § 4.1, is **APPROVED** with the following **SPECIFIC**

**CONDITIONS:** (1) the report dated February 14, 2017 from Joseph J. Moran, P.E., Commissioner of the Orangetown Department of Environmental Management and Engineering (D.E.M.E.); (2) the report dated February 14, 2017 from Michael B. Bettmann, Chief Fire Inspector, Town of Orangetown Bureau of Fire Prevention (B.F.P.) and (3) the report dated January 31, 2017 from Douglas J. Schuetz, Rockland County Department of Planning; shall be complied with; **AND FURTHER RESOLVED** that such decision and the vote thereon shall become effective and be deemed rendered on the date of adoption by the Board of the minutes of which they are a part.

TOWN OF ORANGETOWN  
CLERK'S OFFICE  
2 MAR 2 2017

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 conformance to Performance Standards with the following conditions: (1) the report dated February 14, 2017 from Joseph J. Moran, P.E., Commissioner of the Orangetown Department of Environmental Management and Engineering (D.E.M.E.); (2) the report dated February 14, 2017 from Michael B. Bettmann, Chief Fire Inspector, Town of Orangetown Bureau of Fire Prevention (B.F.P.); and (3) the report dated January 31, 2017, from Douglas J. Schuetz, Rockland County Department of Planning; shall be complied with; was presented and moved by Mr. Sullivan, seconded by Ms. Salomon and carried as follows: Mr. Feroldi, aye; Mr. Salomon, aye; Mr. Bosco, aye ; and Mr. Sullivan, aye. Ms. Castelli and Mr. Quinn 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: February 15, 2017

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 CLERKS OFFICE  
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TOWN OF ORANGETOWN

DECISION

**CONFORMANCE TO PERFORMANCE STANDARDS APPROVED**

To: Donald Brenner (Aron Streit Inc.)  
4 Independence Avenue  
Tappan, New York 10983

ZBA #17-16  
Date: February 15, 2017  
Permit # 45555

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA# 17-16: Application of Aron Streit Inc. requesting the Zoning Board of Appeals' review, and determination, of conformance with the Town of Orangetown Zoning Code (Orangetown Code Chapter 43) Section 4.1 Performance Standards: review of internal alteration and operation of Streits Matzos. The building is located at 171 Route 303, Orangeburg, New York and are identified on the Orangetown Tax Map as Section 74.15, Block 1, Lot 13; in the LI zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, February 15, 2017 at which time the Board made the determination hereinafter set forth.

Donald Brenner, Attorney, Aron Gross, Fred Fenster and Aron Yagoda, owners appeared and testified.

The following documents were presented:

1. Drawing of the interior layout of the building.( not dated or signed or sealed)
2. Resume of Operations and Equipment dated 12/20/2016.
3. Fire Prevention Supplement.
4. Planning Board Decision dated January 5, 2017.
5. A letter dated February 14, 2017 from Joseph Moran, P.E., Commissioner, Department of Environmental Management and Engineering, Town of Orangetown.
6. A memorandum dated February 15, 2017, from Michael B. Bettmann, Chief Fire Inspector, Town of Orangetown.
7. A letter dated January 27, 2017 from Douglas J. Schuetz, Commissioner of Planning, Rockland County Department of Planning.
8. A letter dated January 10, 2017 from Scott McKane, P.E., Senior Public Health Engineer, Rockland County Health.

Mr. Sullivan, Chairman, made a motion to open the Public Hearing which motion was seconded by Mr. Bosco 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, based upon the testimony heard by this Board and the facts as presented in the application submissions and in the record, that since the application entails the ZBA engaging in a review to determine compliance with technical requirements the application is a Type II action exempt from the State Environmental Quality Review Act (SEQRA), pursuant to SEQRA Regulations §617.5 (c) (28); which does not require SEQRA environmental review. The motion was seconded by Ms. Salomon and carried as follows: Mr. Bosco, aye; Mr. Feroldi, aye; Mr. Sullivan, aye; and Ms. Salomon, aye. Mr. Quinn and Ms. Castelli were absent.

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Donald Brenner, Attorney, testified that Matzo is unleavened bread; that this company has been in business since 1925, operating in a residential neighborhood in lower Manhattan; that they are here to get approval for an assembly line for unleavened bread ; that they will not create any odors ; that they operate from 8 A.M. to 4 P.M., except on Fridays, when they would close earlier for Shabbat; that the fork lifts are electric and there will not be any trucks at night.

Public Comment:

No public comment.

The Board reviewed the Performance Standards and Fire Supplement forms.

The Board noted that the company would stop operating earlier on Fridays in the winter for Shabbat.

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. Salomon and carried unanimously.

**FINDINGS OF FACT AND CONCLUSIONS:**

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

Based upon the information contained in the applicant's Resume of Operations and Equipment and the Fire Prevention Supplement; the report dated February 14, 2017 from Joseph J. Moran, P.E., Commissioner of the Orangetown Department of Environmental Management and Engineering (D.E.M.E.); the report dated February 15, 2017 from Michael B. Bettmann, Chief Fire Inspector, Town of Orangetown Bureau of Fire Prevention (B.F.P.); and the report dated January 27, 2017 from Douglas Schuetz, Rockland County Department of Planning; the other documents submitted to the Board and the testimony of Applicant's representatives, the Board finds and concludes that the application conforms with the Performance Standards set forth in Zoning Code Section 4.1, subject to compliance with the orders, rules and regulations of the Orangetown Office of Building, Zoning & Planning Administration & Enforcement, D.E.M.E., and B.F.P., and all other departments having jurisdiction of the premises.

DECISION: In view of the foregoing and the testimony and documents submitted, the Board: RESOLVED, that the Application for Performance Standards Conformance, pursuant to Zoning Code § 4.1, is APPROVED with the following SPECIFIC CONDITIONS: (1) the report dated February 14, 2017 from Joseph J. Moran, P.E., Commissioner of the Orangetown Department of Environmental Management and Engineering (D.E.M.E.); (2) the report dated February 15, 2017 from Michael B. Bettmann, Chief Fire Inspector, Town of Orangetown Bureau of Fire Prevention (B.F.P.); and (3) the report dated January 27, 2017 by Douglas Schuetz, Rockland County Department of Planning; shall be complied with; 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.

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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 conformance to Performance Standards with the following conditions: (1) the report dated February 14, 2017 from Joseph J. Moran, P.E., Commissioner of the Orangetown Department of Environmental Management and Engineering (D.E.M.E.); (2) the report dated February 15, 2017 from Michael B. Bettmann, Chief Fire Inspector, Town of Orangetown Bureau of Fire Prevention (B.F.P.); and (3) the report dated January 27, 2017, from Douglas Schuetz, Rockland County Department of Planning; shall be complied with; was presented and moved by Mr. Sullivan, seconded by Ms. Salomon and carried as follows: Mr. Feroldi, aye; Mr. Salomon, aye; Mr. Bosco, aye; and Mr. Sullivan, aye. Ms. Castelli and Mr. Quinn 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: February 15, 2017

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

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