

**Town of Orangetown
Architecture and Community Appearance Board of Review
Meeting of October 3, 2013**

MEMBERS PRESENT: Thomas Warren, Chairman; Paul Papay, Vice Chairman; Blyth Yost; Jill Fieldstein; James Dodge; Alex DiMenna and Jack Messina

MEMBERS ABSENT: None

ALSO PRESENT: Ann Marie Ambrose, Stenographer and Cheryl Coopersmith, Chief Clerk

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

Organic Recycling Plan		ACABOR #13 - 50
Commercial Subdivision Plan Review	Approved as	
74.19/1/3; LI zoning district	Presented	

Beital's Aquarium Generator Plan		ACABOR #13 - 51
Review of Generator Plan	Approved as	
68.19/4/16; CO zoning district	Presented	

Wendy's Plans		ACABOR #13 - 52
Review of Façade Improvement Plan	Approved Subject	
77.15/1/34; CS zoning district	to Conditions	

<u>Continued Item:</u>		
Loccisano Garage Plan		ACABOR #13 - 09
Review of Structure Plan	Approved Subject	
73.05/1/62; R-40 zoning district	to Conditions	

A motion was made to adjourn the meeting by James Dodge and seconded by Blythe Yost and agreed by all in attendance. 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 8:30 p.m. The next ACABOR Meeting is scheduled for October 17, 2013.

Dated: October 3, 2013

Cheryl Coopersmith

TOWN OF ORANGETOWN
2013 OCT 9 AM 10 47
TOWN CLERKS OFFICE

**ACABOR #13-50: Organic Recycling Commercial Subdivision Plan -
Approved as Presented**

**Town of Orangetown – Architecture and Community Appearance Board of
Review Decision**

October 3, 2013

Page 1 of 2

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

RE: Organic Recycling Plans: Application of Organic Recycling, applicant, for Joseph Appleman/ Bimnel Associates, owners, (Donald Brenner, attorney for the owner) for review of a Commercial Subdivision Plan, at a site to be known as "**Organic Recycling Plans**", 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 121 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 3 in the LI zoning district.

Heard by the Architecture and Community Appearance Board of Review of the Town of Orangetown at a meeting held **Thursday, October 3, 2013**, at which time the Board made the following determinations:

Donald Brenner and Cassandra Lim appeared and testified.

The Board received the following items:

- A. Site Plans prepared by Jay Greenwell, PLS, dated November 30, 2012, Sheet 1 and Sheet 2.
- B. Landscape Plan for Organic Recycling, Outdoor Commercial Subdivision of Space.
- C. Copy of Building Permit Referral to the Boards, dated April 2, 2012.
- D. Board Decisions: ZBA #13-42, Outdoor Storage, Gravel Parking: Approved, dated June 5, 2013 and PB #12-35, Preliminary Subdivision Approval Subject to Conditions/ Neg. Dec., dated March 27, 2013.
- E. Submitted at the meeting, photographs of New Plantings at the project site, dated October 3, 2013.

FINDINGS OF FACT:

- 1. The Board found that the site would be used to store landscaping vehicles overnight. The applicant has obtained Preliminary Approval from the Planning Board and the required variances from the Zoning Board of Appeals.
- 2. The Board found that the applicant presented photographs of an existing vegetative buffer.

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.

TOWN OF ORANGETOWN
OCT 9 PM 10 47
TOWN CLERKS OFFICE

**ACABOR #13-50: Organic Recycling Commercial Subdivision Plan -
Approved as Presented**

**Town of Orangetown – Architecture and Community Appearance Board of
Review Decision**

October 3, 2013

Page 2 of 2

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 Alex DiMenna and carried as follows: Thomas Warren, Chairman, aye; Paul Papay, aye; Jill Fieldstein, aye; Jack Messina, aye; James Dodge, aye, Alex DiMenna, aye and Blyth Yost, 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: October 3, 2013

Town of Orangetown

Architecture and Community Appearance Board of Review



TOWN OF ORANGETOWN
2013 OCT 9 PM 10 47
TOWN CLERKS OFFICE

ACABOR #13 - 20: Beital's Aquariums Generator Plan – Approved as Presented

**Town of Orangetown Architecture and Community Appearance
Board of Review Decision**

October 3, 2013

Page 1 of 2

TO: Donald Brenner, 4 Independence Avenue, Tappan
New York 10913
FROM: Architecture and Community Appearance Board of Review

RE: Beital's Aquarium Generator Plan: The application of Craig Beital, applicant, for Pearl River Properties, LLC, owner, for the review of a Generator Plan at a site to be known as "**Beital's Aquarium 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 73 Pearl Street (Route 304), Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown. Tax Map as Section 68.19, Block 4, Lot 16 in the CO zoning district.

Heard by the Architecture and Community Appearance Board of Review of the Town of Orangetown at a meeting held **Thursday, October 3, 2013**, at which time the Board made the following determinations:

Donald Brenner and Craig Beital appeared and testified.

The Board received the following items:

- A. Survey of Property for Pearl River Properties, Inc. noting the location of the proposed Generator, prepared by Jay Greenwell, PLS, dated October 12, 2012.
- B. A copy of ZBA #13-54, Performance Standards, Approved; dated July 2, 2013.
- C. Copy of Building Permit Referral to the Boards, dated May 13, 2013.

FINDINGS OF FACT:

- 1. The Board found that the applicant proposed to install a new generator on the site. The generator is needed in order to operate the fish tank systems in the event of loss of power.
- 2. The Board found that the generator would be placed inside an existing fenced in area.
- 3. The Board found that the generator would be exercised once a week, during the daytime.

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.

TOWN CLERKS OFFICE

2013 OCT 9 AM 10 47

TOWN OF ORANGETOWN

ACABOR #13 - 20: Beital's Aquariums Generator Plan – Approved as Presented

Town of Orangetown Architecture and Community Appearance Board of Review Decision

October 3, 2013

Page 2 of 2

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 Alex DiMenna and seconded by Blythe Yost and carried as follows: Thomas Warren, aye; Jack Messina, aye; James Dodge, aye; Jill Fieldstein, aye; Paul Papay, aye; Alex DiMenna, aye, and Blyth Yost, 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: October 3, 2013

Town of Orangetown

Architecture and Community Appearance Board of Review

A handwritten signature in blue ink, appearing to read "Cheryl Cooper", is written over the printed name of the signatory.

TOWN CLERKS OFFICE

2013 OCT 9 PM 10 47

TOWN OF ORANGETOWN

Amendment to ACABOR #13-52: Wendy's Facade Plan - Approved Subject to Conditions

Town of Orangetown – Architecture and Community Appearance Board of Review Decision

October 10, 2013

Page 1 of 1

TO: Greg Dunn, 83 Spring Hill Circle, Wayne, New Jersey 07470
FROM: Architecture and Community Appearance Board of Review

RE: Amendment to Wendy's Plans: The application of Gregg Dunn, applicant, and Orangetown Plaza Inc., owner, for an Amendment to ACABOR #13- 52, the review of a Façade Improvement Plan at a site known as "**Wendy's Façade Improvement 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 3 Route 303 (Tappan Plaza), Tappan, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown. Tax Map as Section 77.15, Block 1, Lot 34 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, October 3, 2013. The Decision shall be amended as follows;**

DELETE THE FOLLOWING:

Finding of Fact

#6. The Board found that for pedestrian safety, the red railing on the drive thru side of the building should be changed to the Route 303 side of the building.

Decision

#6. For pedestrian safety, the red railing on the drive thru side of the building shall be changed to the Route 303 side of the building.

REPLACE WITH THE FOLLOWING:

Finding of Fact

#6. The Board found that for pedestrian safety, the red railing on the drive thru side of the building should be redesigned to be "L-shaped", to come out of the building to the drive thru lane, extending towards Route 303.

Decision

#6. For pedestrian safety, the red railing on the drive thru side of the building shall be redesigned to be "L-shaped", to come out of the building to the drive thru lane, extending towards Route 303.

The Clerk to the Board is hereby authorized, directed and empowered to sign this Amendment 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: October 10, 2013

Town of Orangetown

Architecture and Community Appearance Board of Review

TOWN CLERKS OFFICE

2013 OCT 11 PM 9 42

TOWN OF ORANGETOWN

ACABOR #13-52: Wendy's Facade Plan - Approved Subject to Conditions

**Town of Orangetown – Architecture and Community Appearance
Board of Review Decision**

October 3, 2013

Page 1 of 2

TO: Greg Dunn, 83 Spring Hill Circle, Wayne, New Jersey 07470
FROM: Architecture and Community Appearance Board of Review

RE: Wendy's Plans: The application of Gregg Dunn, applicant, and Orangetown Plaza Inc., owner, for the review of a Façade Improvement Plan at a site known as "**Wendy's Façade Improvement 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 3 Route 303 (Tappan Plaza), Tappan, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown. Tax Map as Section 77.15, Block 1, Lot 34 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, October 3, 2013**, at which time the Board made the following determinations:

Greg Dunn appeared and testified.

The Board received the following items:

- A.** Building Elevations prepared by Jose C. Santos, R.A., dated March 6, 2013, Wendy's 3076 Tier-3 Standard Remodel Building
 - A1.1: Floor Plan
 - A2.1: Exterior Elevations – Left and Right Side Elevations
 - A2.2: Exterior Elevations – Rear and Front Elevations
- B.** Material Sheet, dated September 16, 2013.
- C.** Section of Site Plan, noting location of building.
- D.** Submitted at the Meeting, photographs of the existing Wendy's landscaping and building and photographs of a Wendy's building with similar improvements.

FINDINGS OF FACT:

1. The Board found that the applicant proposed to improve the existing building with Wendy's 3076 Tier-3 Standard Remodel Plans.
2. The Board found that the new facade consisted of aluminum, glass panels, glass and brick. The color scheme would be black, brown, beige and red.

TOWN CLERKS OFFICE

2013 OCT 9 PM 10 47

TOWN OF ORANGETOWN

ACABOR #13-52: Wendy's Facade Plan - Approved Subject to Conditions

**Town of Orangetown – Architecture and Community Appearance
Board of Review Decision**

October 3, 2013

Page 2 of 2

3. The Board found that the existing landscaping would not be disturbed during construction, with the exception of the holly bushes in the front of the structure. These bushes would be replaced with pavers.
4. The Board found that the air conditioning units would be updated and relocated to the roof of the structure.
5. The Board found that the "Wendy's" sign as depicted on the front elevation would be internally lit. The Board noted that there was an existing free standing monument sign on the site. The signage may need further review by the Building Department.
6. The Board found that for pedestrian safety, the red railing on the drive thru side of the building should be changed to the Route 303 side of the building.

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 SUBJECT TO THE FOLLOWING CONDITIONS:**

1. The applicant shall improve the existing building with Wendy's 3076 Tier-3 Standard Remodel Plans.
2. The new facade shall consist of aluminum, glass panels, glass and brick. The color scheme shall be black, brown, beige and red.
3. The existing landscaping shall not be disturbed during construction, with the exception of the holly bushes in the front of the structure. These bushes shall be replaced with pavers.
4. The air conditioning units will be updated and relocated to the roof of the structure
5. The "Wendy's" signage as depicted on the front elevation is approved in color and design, however, may be subject to further review by the Town Building Department. In addition, the Board notes that there was an existing free standing monument sign on the site, which may also need further review by the Building Department.
6. For pedestrian safety, the red railing on the drive thru side of the building shall be changed to the Route 303 side of the building.

The foregoing resolution was presented and moved by Jill Fieldstein and seconded by Paul Papay and carried as follows: Thomas Warren, Chairman, absent; Paul Papay, aye; Jack Messina, aye; James Dodge, aye, Alex DiMenna, aye; Blyth Yost, aye, and Jill Fieldstein, 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: October 3, 2013

Town of Orangetown

Architecture and Community Appearance Board of Review



TOWN CLERKS OFFICE

2013 OCT 6 PM 10 48

TOWN OF ORANGETOWN

ACABOR #13-09 – Loccisano Garage Plan- Approved Subject to Conditions

**Town of Orangetown – Architecture and Community Appearance
Board of Review Decision**

October 3, 2013

Page 1 of 4

TO: Salvatore Loccisano, 264 South Middletown Road,
Pearl River, New York
FROM: Architecture and Community Appearance Board of Review

RE: Loccisano Garage Plan, a continued item: The application of Salvatore Loccisano, owner, for review of a Structure Plan at a site to be known as “**Loccisano Garage 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 264 South Middletown Road, Pearl River, Town of Orangetown, Rockland County, New York and as shown on the Orangetown Tax Map as Section 73.05, Block 1, Lot 62 in the R-40 zoning.

Heard by the Architecture and Community Appearance Board of Review of the Town of Orangetown at meetings held **Thursday, March 21, June 20, September 19 and October 3, 2013**, at which time the Board made the following determinations:

March 21, 2013

Salvatore Loccisano appeared and testified.

The Board received the following items:

- A. Architectural Plans prepared by Future Steel Buildings Intl. Corp, model #A30-14, dated January 31, 2013.
- B. Manufacturer brochure, Future Builders International.
- C. A Vicinity Map and a copied Site Plan noting the proposed location for the structure, undated.
- D. Copy of Building Permit Referral, dated February 11, 2013.
- E. A letter signed by Barry Phillips, 224 Gilbert Avenue, Pearl River, an abutting property owner, dated March 18, 2013.

FINDINGS OF FACT:

- 1. The Board found that the applicant proposed to erect a 30 foot by 48 foot garage to store vehicles. The structure would have 4 skylights on the roof and the sides of the building would be galvanized sheet steel in a Quonset hut style.
- 2. The Board found that the owner stated that a wooden structure would not be feasible for him. Currently there are 2 sheds on the property, one is wood and the other is metal, each measuring 10' by 10' in size.
- 3. The Board found that to soften the appearance of the proposed structure, the applicant should landscape or screen the front of the building.
- 4. The Board found that the proposed garage is located on the West side of the site, abutting Tax Lot #73.05-1-74. The Board suggested that the structure be relocated on the property to the east side of the site.
- 5. The Board found that a modified or a different structure would be more suitable for a residential district.

TOWN CLERKS OFFICE

86 OCT 9 100 0102

TOWN OF ORANGETOWN

ACABOR #13-09 – Loccisano Garage Plan- Approved Subject to Conditions

**Town of Orangetown – Architecture and Community Appearance
Board of Review Decision**

October 3, 2013

Page 2 of 4

The applicant requested a **CONTINUATION**.

June 20, 2013

Donald Brenner and Salvatore Loccisano appeared and testified.

The Board received the following items:

- A.** A letter from Donald Brenner dated June 20, 2013, with an attachment of the type of structure proposed and a section of the project site plan.
- B.** Submitted by the applicant at the meeting, a copy of a Flyer in opposition to the project, placed in neighborhood mailboxes.

FINDINGS OF FACT:

- 1.** The Board found that the applicant provided landscaping around the proposed structure, 10 foot high pine trees on either side of the garage door.
- 2.** The Board found that the applicant claimed that the chosen location for the garage was the optimum location of the site since there are a significant number of trees near the Blue Hill property corner.
- 3.** The Board found that the proposed landscaping was not sufficient and requested additional landscaping, 7 additional arborvictie trees along the west face of the building, and 3 Norway spruce trees along the eastern face of the Building, each tree measuring 8 to 10 feet in height.
- 4.** The Board found that the structure would be galvanized steel, a difficult surface to paint and suggested using an alternative siding, noted in the submitted brochure. The Board suggested using a dark color.

Public Comment:

Barry Philips, 224 Gilbert Avenue, raised issues with the applicant's placement of blue tarps on the site. Mr. Philips requested information regarding the size of the proposed garage and its relation to a pond on the site.

Mary Kunzman, 5 Kerry Court, objected to the type of proposed garage, noting it does not belong in a residential neighborhood. Requested information regarding what the use of the garage.

Lisa Williams, 222 Gilbert Avenue, requested that the applicant construct a smaller garage. She discussed the Floor Area Ratio requirement of the site and requested that pine trees be placed around the garage.

Ken Lang, 253 Gilbert Avenue, requested information regarding the location of the garage.

April Philips, 224 Gilbert Avenue, expressed concerns that the garage does not fit into the residential neighborhood.

The applicant requested a **CONTINUATION**.

TOWN CLERKS OFFICE

2013 OCT 6 PM 10 48

TOWN OF ORANGETOWN

ACABOR #13-09 – Loccisano Garage Plan- Approved Subject to Conditions

**Town of Orangetown – Architecture and Community Appearance
Board of Review Decision**

October 3, 2013
Page 3 of 4

September 19, 2013

Michael Galea and Salvatore Loccisano appeared and testified.

The Board received the following information.

A. Revised Site Plan, prepared by Michael Galea, R.A.

FINDINGS OF FACT:

1. The Board found that the structure would be used strictly for residential use as a garage.
2. The Board found that the materials would be corrugated steel sides with a façade of stucco, vinyl or other material not selected at this time. The applicant proposed to match the front of the garage in color and material with the existing house on the site. The applicant held that the existing woods land adjacent to the sides of the structure would be sufficient screening.
3. The Board found that the applicant would return to the Board with a selected front façade design and a planting plan to screen the areas requested. The types of plants selected should be sufficient to screen the garage at maturity.

Public Comment:

April Philips, 224 Gilbert Avenue, held that the proposed garage design did not belong in a residential neighborhood.

Barry Philips, 224 Gilbert Avenue, raised issue with the proposed size of the garage.

October 3, 2013

Michael Galea and Salvatore Loccisano appeared and testified.

The Board received the following information.

A. Revised Site Plan, prepared by Michael Galea, R.A.,

B. Presented at the Meeting, a Presentation Board noting the existing vegetation, and structures on the site.

FINDINGS OF FACT:

TOWN OF ORANGETOWN
2013 OCT 6 AM 10 48
TOWN CLERKS OFFICE

ACABOR #13-09 – Loccisano Garage Plan- Approved Subject to Conditions

**Town of Orangetown – Architecture and Community Appearance
Board of Review Decision**

October 3, 2013

Page 4 of 4

1. The Board found that the applicant presented a plan that proposed vegetative screening for the garage. The Board recommended alternate plantings to those proposed, as well as offered minimum heights of the plants at time of planting:
 - a. American Holly plants, minimum height of each plant shall be 7 to 8 feet
 - b. Green Giant Arborvitae, minimum height of each plant shall be 7 to 8 feet
2. The Board found that the front of the garage would be stucco material, as noted on the presentation board, and shall match in color and material with the existing house on the site. The main field of color would be beige and the trim would be white.
3. The Board found that the existing corrugated steel sides of the structure should be painted with a warm dark green color.

Public Comment:

April Philips, 224 Gilbert Avenue, raised concerns regarding the appearance of the west side of the structure, noting that the design did not belong in a residential neighborhood.

There being no other persons 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 SUBJECT TO THE FOLLOWING CONDITIONS:**

1. The plan shall be revised and the applicant shall plant the following alternate plantings to those proposed: American Holly plants, minimum height of each plan shall be 7 to 8 feet and Green Giant Arborvitae, minimum height of each plan shall be 7 to 8 feet.
2. The front of the garage shall be stucco, as noted on the presentation board, and shall match in color and material with the existing house on the site. The main field of color will be beige and the trim would be white.
3. The existing corrugated steel sides of the structure shall be painted warm dark green.
4. No grading is to take place within five feet of any property line, except as specified on the approved site plan.

The foregoing resolution was presented and moved by Jill Fieldstein and seconded by Paul Papay and carried as follows: Thomas Warren, Chairman, aye; Paul Papay, aye; Jack Messina, nay; James Dodge, aye, Alex DiMenna, nay; Blyth Yost, aye, and Jill Fieldstein, 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: October 3, 2013

Town of Orangetown

Architecture and Community Appearance Board of Review

Cheryl Caputo
TOWN CLERK

86 OCT 6 100 1002

TOWN OF ORANGETOWN