

**Meeting of January 23, 2013**  
**Town of Orangetown Planning Board**

**MEMBERS PRESENT:** Kevin Garvey, Chairperson; Bruce Bond, Vice-Chairperson; John Foody; Robert Dell; Michael Mandel; and Jeffrey Golda.

**MEMBERS ABSENT:** William Young

**ALSO PRESENT:** John Giardiello, Director, Office of Building, Zoning, Planning Administration and Enforcement, Robert Magrino, Deputy Town Attorney; Ann Marie Ambrose, Stenographer, and Cheryl Coopersmith, Chief Clerk

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

**Continued Item from September 24, 2012 Meeting:**  
**Heaton-Fitzgerald Subdivision**                      **Granted 6 Month**                      **PB #12- 40**  
**Performance Bond**                      **Extension of**  
Request for an Extension of                      **Performance Bond Term**  
the Performance Bond Term  
77.14/1/5.1, 5.2, 5.3; R-15 zoning district

**New Item:**  
**The Hollows at Blue Hill Recreation Site Plan**                      **PB #13-01**  
Amendment to Approved Site Plan                      **CONTINUED: Needs**  
Prepreliminary/ Preliminary/                      **Drainage**  
Final Site Plan and SEQRA Review  
73.05-1-53; OP/PAC zoning district

**Cerovene, Inc. Consultation**                      **PB #13-02**  
Consultation                      **Consultation**  
Conditional Use Permit  
73.20/1/35; LIO zoning district

The Decisions of the above hearings, as attached hereto, although made by the Board before the conclusion of the meeting are not deemed accepted and adopted by the Board until adopted by a formal motion for adoption of such minutes by the Board. Following such approval and adoption by the Board, the Decisions are mailed to the applicant. The verbatim transactions are not transcribed, but are available.

Since there was no further business to come before the Board, a motion to adjourn the meeting was made by Michael Mandel and seconded by Bruce Bond and agreed to by all in attendance. The meeting was adjourned at 8:30 p.m. The next Planning Board meeting is scheduled for Wednesday, February 13, 2013.

**DATED: January 23, 2013**  
**Town of Orangetown Planning Board**

**PB #12-40: Heaton Fitzgerald Subdivision- 6 Month Extension of the Performance Bond Term**

**Town of Orangetown Planning Board Decision  
January 23, 2013**

TO: Kevin Ramsay, 572 Route 303, Blauvelt, New York 10913  
FROM: Orangetown Planning Board

RE: Heaton Fitzgerald Subdivision Performance Bond: The application of Kevin Ramsay, owner, for an Extension of the Performance Bond Term at a site known as "**Heaton Fitzgerald Subdivision**," in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21 of the Code of the Town of Orangetown. The site is located at 45 Main Street, Tappan, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 77.14, Block 1, Lot 5 in the R-15 zoning district.

Heard by the Planning Board of the Town of Orangetown at meetings held **Monday, September 24, 2012, Wednesday, November 28, 2012 and January 23, 2013** at which time the Board made the following determination:

**September 24, 2012**

Kevin Ramsay appeared and testified.

The Board received the following communications:

1. A Project Review Committee Report dated September 19, 2012.
2. Interdepartmental memorandum signed by John Giardiello, P.E., Director of the Office of Building, Zoning and Planning Administration and Enforcement, Town of Orangetown, dated September 24, 2012.
3. Interdepartmental memorandum signed by Bruce Peters, P.E., Department of Environmental Management and Engineering, Town of Orangetown dated September 20, 2012.
4. Interdepartmental memorandum signed by James Dean, Superintendent of Highways, Highway Department, Town of Orangetown dated August 22, 2012, with an attachment.
5. PB # 06-85, Recommendation to the Town Board to Establish Value of Performance Bond dated November 8, 2006.

The Board reviewed the request.

The applicant requested a **CONTINUATION**.

**November 28, 2012**

Kevin Ramsay appeared and testified.

The Board received the following communications:

1. A Project Review Committee Report dated November 21, 2012.
2. Interdepartmental memorandum signed by John Giardiello, P.E., Director of the Office of Building, Zoning and Planning Administration and Enforcement, Town of Orangetown, dated November 28, 2012.
3. Interdepartmental memorandum signed by Bruce Peters, P.E., Department of Environmental Management and Engineering, Town of Orangetown dated November 20, 2012.

The applicant requested a **CONTINUATION**.

**January 23, 2013**

Kevin Ramsay appeared and testified.

The Board received the following communications:

1. A Project Review Committee Report dated January 16, 2013.

2. Interdepartmental memorandum signed by John Giardiello, P.E., Director of the Office of Building, Zoning and Planning Administration and Enforcement, Town of Orangetown, dated January 23, 2013.
3. Interdepartmental memorandum signed by Bruce Peters, P.E., Department of Environmental Management and Engineering, Town of Orangetown dated January 17, 2013.

There being no one to be heard from the Public, a motion was made to close the Public Hearing portion of the meeting by Bruce Bond and seconded by Michael Mandel and carried as follows: Bruce Bond, aye; Michael Mandel, aye; Jeffrey Golda, aye; John Foody, aye; Robert Dell, aye; William Young, absent and Kevin Garvey, aye.

**DECISION:** In view of the foregoing, the Board **GRANTED A 6 MONTH EXTENSION OF THE PERFORMANCE BOND TERM UNTIL JULY 23, 2013**, subject to the following condition:

1. All previous conditions of subdivision approvals and performance bond requirements remain in effect.

The Clerk of 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 this Office of the Planning Board.

The foregoing Resolution was made by Bruce Bond and seconded by Michael Mandel and carried as follows: Bruce Bond, aye; Michael Mandel, aye; Jeffrey Golda, aye; John Foody, aye; Robert Dell, aye; William Young, absent and Kevin Garvey, aye.

**Dated: January 23, 2013**  
**Town of Orangetown Planning Board**

-----

**PB #13-02: Cerovene, Inc.: Consultation**

**Town of Orangetown Planning Board**  
**January 23, 2013**

**TO: Ray DiFalco, 612 Corporate Way, Valley Cottage,  
New York 10989**  
**FROM: Orangetown Planning Board**

**RE:** Cerovene, Inc.: The application of Cerovene, Inc., applicant, for Consultation, for a Conditional Use Permit at a site to be known as "Cerovene, Inc.", in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21A of the Code of the Town of Orangetown. The site is located at 10 Corporate Drive, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 73.20, Block 1, Lot 35 in the LIO zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, January 23, 2013**, the Board made the following determinations:

Ray DiFalco appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated January 17, 2013.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated January 23, 2013.

3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., January 17, 2013.
4. A Brief Bio of Cerovene Inc., submitted by owner, with a proposed layout of interior of building.

**FINDINGS OF FACT:**

1. The Board found that the applicant is seeking to purchase the existing building at 10 Corporate Drive, formerly used by Pelco. A brief bio of the business was submitted. The proposed use, pharmaceutical research, development and manufacturing is permitted in the LIO zone, however it would require a conditional use approval by the Planning Board.
2. The Board found that at this time there are no plans to expand the current building, just to reoccupy the structure. The applicant is in before the Planning Board as a Consultation; and to determine if the Board has any objections or concerns before moving forward to purchase the building.

Under Article VIII, "Conditional Use Standards," Section 8.1, "General conditions and Standards," the proposed use would most likely comply with the six items listed. The Planning Board reviewed the conditional use items "a through f" with the applicant at the consultation meeting.

**Town of Orangetown Town Code:**

**§ 8.1. General conditions and standards.**

Prior to approving any conditional use, the Planning Board shall determine the conformity of such use and the proposed development therefore with conditions and standards as set forth in this local law. Conditions prerequisite to approval of such uses are of a general and specific nature. In various provisions of this local law, specific standards are enumerated for certain uses, which standards shall be the minimum conditions for such use. The general conditions and standards for conditional use approval are as follows:

A. The proposed use shall be of such location, size and character that it will be in harmony with the appropriate and orderly development of the district in which it is proposed to be situated and not be detrimental to the site or adjacent properties in accordance with the zoning classification of such properties.

B. The location and size of such use, the nature and intensity of operations involved in or conducted in connection therewith, its site layout and its relation to access streets shall be such that both pedestrian and vehicular traffic to and from the use and the assembly of persons in connection therewith will not be hazardous.

C. The location and height of buildings, the location, nature and height of walls and fences and the nature and extent of landscaping on the site shall be such that the use will not hinder or discourage the development and use of adjacent land and buildings.

D. The proposed use will not require such additional public facilities or services or create such fiscal burdens upon the Town greater than those which characterize uses permitted by right.

E. As a condition of all special permit and conditional use permits, right of entry for inspection with reasonable notice shall be provided for to determine compliance with the conditions of said permit.

F. As a condition of all conditional use permits, a time limitation may be imposed.

3. The Board found that the applicant will need to appear at the Town of Orangetown Zoning Board of Appeals for Performance Standards Approval.
4. The Board found that the applicant should be reminded that some types of businesses may require a pretreatment facility on site and a permit from the Town of Orangetown Department of Environmental Management and Engineering (DEME). The design of such facilities must be reviewed and approved by DEME prior to any construction.

The Clerk to the Board is hereby authorized, directed, and empowered to sign this **CONSULTATION** and file a certified copy in the Office of the Town Clerk and the Office of the Planning Board.

**Dated: January 23, 2013**  
**Town of Orangetown Planning Board**