

MINUTES
ZONING BOARD OF APPEALS
JULY 15, 2015

MEMBERS PRESENT: DAN SULLIVAN
 JOAN SALOMON
 LEONARD FEROLDI, ALTERNATE
 THOMAS QUINN

ABSENT: MICHAEL BOSCO
 PATRICIA CASTELLI

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

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:

TOWN OF ORANGETOWN
2015 JUL 30 PM 1 22
TOWN CLERKS OFFICE

PUBLISHED ITEMS

APPLICANTS

DECISIONS

NEW ITEMS:

DeROBERTIS
15 Sickletown Road,
Orangeburg, NY
69.19 / 1 / 25.2; R-40 zone

NO VARIANCES
REQUIRED

ZBA#15-61

GERASIMOPOULOS
10 Robertson Drive
Pearl River, NY
69.09 / 4 / 30; R-15 zone

FLOOR AREA RATIO,
AND REAR YARD
VARIANCES APPROVED

ZBA#15-62

LUCZAJ
27 Wildwood Drive
Pearl River, NY
69.17 / 4 / 39; R-15 zone

CONTINUED

ZBA#15-63

CAVANAUGH
40 Hickory Hill Road
Tappan, NY
77.09 / 1 / 31.1; R-15 zone

FRONT YARD
VARIANCE APPROVED

ZBA#15-64

HOVESAPIAN
28 Whittier Road
Blauvelt, NY
65.18 / 1 / 10; R-40 zone

FRONT YARD, SIDE
YARD VARIANCE APPROVED

ZBA#15-65

SOUTH CORNER PLAZA
2 Route 340
Orangeburg, NY
74.11 / 2 / 47; CC zone

REAR YARD, § 5.224,
§3.11, COLUMN 6 #9 PARKING SPACES,
§§ 13.10 B (1) & B (2) OVERLAY ZONE
SCREENING & BUFFER VARIANCES
APPROVED

ZBA#15-66

Minutes

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SAFEGUARD BIOSYSTEMS
PERFORMANCE STANDARDS
30 Rockland Park Avenue
Tappan, NY
77.16 / 1 / 33; LIO zone

APPROVED ZBA#15-67
WITH CONDITIONS

THE DECISIONS RELATED TO THE ABOVE HEARINGS are inserted herein and made part of these minutes.

The verbatim minutes, as recorded by the Board's official stenographer for the above hearings, are not transcribed.

There being no further business to come before the Board, on motion duly made, seconded and carried, the meeting was adjourned at 10:35 P.M.

Dated: July 15, 2015

ZONING BOARD OF APPEALS
TOWN OF ORANGETOWN

By Deborah Arbolino

Deborah Arbolino, Administrative Aide

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

TOWN OF ORANGETOWN
2015 JUL 30 PM 1 22
TOWN CLERKS OFFICE

DECISION

R-80, COLUMN 5 #2 VARIANCE NOT REQUIRED

To: Jamie DeRobertis
15 Sickletown Road
Orangeburg, New York 10962

ZBA #15-61
Date: July 15, 2015

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#15-61: Application of Jamie DeRobertis for variances from Zoning Code (Chapter 43) of the code of the Town of Orangetown, R-40 District, Section 3.11 refers to R-80, Column 5 #2 (except accommodations for servants or caretakers) for the reconstruction of an existing one –family residential cottage. The premises are located at 15 Sickletown Road, Orangeburg, New York and are identified on the Orangetown Tax Map as Section 69.19, Block 1, Lot 25.2 in the R-40 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, July 15, 2015 at which time the Board made the determination hereinafter set forth.

Kris DeRobertis, Barry Terach, Architect, and William Bosley, contractor, appeared and testified.

The following documents were presented:

1. Architectural plans labeled 'Proposed New Cottage for Jamie and Kris DeRobertis dated April 28, 2015 not signed or sealed by Barry Terach, Registered Architect (6 pages).
2. Zoning Board Decision #06-107 dated October 18, 2006.

Mr. Sullivan, Chairman, made a motion to open the Public Hearing which motion was seconded by Ms. Salomon and carried unanimously.

Barry Terach, Architect, testified that this lot was part of the Blickman Subdivision and that this particular lot was granted permission to keep two dwellings on one lot; that the DeRobertis' purchased the property because they want to use the cottage for Mrs. DeRobertis' parents.

William Bosley testified that he has the decision from the subdivision that states that the second house was approved to stay on the lot and asked if he could go home to get it and bring it back.

The Zoning Board of Appeals Decision #06-107 dated 10/18/2006 was reviewed by the Deputy Town Attorney and it was acknowledged that the following variances had been granted on October 18, 2006: front yard, rear yard, building height, and a variance from definition (d) no more than one single-family residence shall be permitted on one lot; and the Board came to the conclusion that, because of the approvals in ZBA Decision #06-107 of 10/18/2006, no variances were necessary for this applicant.

TOWN CLERKS OFFICE
2015 JUL 30 PM 1 22
TOWN OF ORANGETOWN

DECISION

FLOOR AREA RATIO AND REAR YARD VARIANCES APPROVED

To: Elias Gerasimopoulos
10 Robertson Drive
Pearl River, New York 10965

ZBA #15-62
Date: July 15, 2015

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#15-62: Application of Elias Gerasimopoulos for variances from Zoning Code (Chapter 43) of the Town of Orangetown Code, Section 3.12, R-15 District, Group M, Columns 4 (Floor Area Ratio: .20 permitted, .2143 proposed) and 11 (Rear Yard: 35' required, 26.60' proposed) for an addition to a single-family residence. The premises are located at 10 Robertson Drive, Pearl River, New York and are identified on the Orangetown Tax Map as Section 69.05, Block 4, Lot 30; in the R-15 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, July 15, 2015 at which time the Board made the determination hereinafter set forth.

Elias Gerasimopoulos and Richard Bouchard, Architect, appeared and testified.

The following documents were presented:

1. Copy of survey dated June 10, 2014 signed by William E. James, P.E., P.L.S. (1 page).
2. Architectural plans labeled "Additions & Renovations to : The Gerasimopoulos Residence" dated February 28, 2015 signed and sealed by Richard A. Bouchard, Registered Architect (5 pages).

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 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. Salomon and carried as follows: Mr. Feroldi, aye; Ms. Salomon, aye; Mr. Bosco, aye; Mr. Quinn, aye; and Mr. Sullivan, aye. Ms. Castelli was absent.

Richard Bouchard, Architect testified that they are proposing to add a two car garage and mudroom onto the east side of the existing raised ranch style house; that they are adding a deck to the upper portion of the western side of the house; that they are fine on the side yard to the carport, which they need because they have three cars; that they are short in the rear yard because the extension is keeping in line with the present house and the increase in the floor area ratio is caused by the carport.

Elias Gerasimopoulos testified that his parents purchased the house in 1972 and he purchased it from them in 1987; that they would like to expand to accommodate his wife and two girls; and that the downstairs of the house is used for visiting family.

TOWN OF ORANGETOWN
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TOWN CLERKS OFFICE

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 floor area ratio and rear yard variances will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. Similar additions have been constructed in the neighborhood.
2. The requested floor area ratio and rear yard variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. Similar additions have been constructed in the neighborhood.
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 floor area ratio and rear 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. Similar additions have been constructed in the neighborhood.
5. The applicant purchased the property subject to Orangetown's Zoning Code (Chapter 43) and is proposing a new addition and/or improvements, so the alleged difficulty was self-created, which consideration was relevant to the decision of the Board of Appeals, but did not, by itself, preclude the granting of the area variances.

TOWN CLERKS OFFICE
2015 JUL 30 PM 1 23
TOWN OF ORANGETOWN

DECISION: In view of the foregoing and the testimony and documents presented, the Board: RESOLVED, that the application for the requested floor area ratio and rear 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.


TOWN CLERKS OFFICE
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TOWN OF ORANGETOWN

The foregoing resolution to approve the application for the requested floor area ratio and rear yard variances was presented and moved by Mr. Feroldi, seconded by Ms. Salomon and carried as follows: Mr. Bosco, aye; Mr. Feroldi, aye; Mr. Quinn, aye ;Ms. Salomon, aye; and Mr. Sullivan, aye. Ms. Castelli 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: July 15, 2015

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-R.A.O.

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

TOWN OF ORANGETOWN
2015 JUL 30 PM 1 23
TOWN CLERKS OFFICE

DECISION

FRONT YARD VARIANCE APPROVED

To: Kevin Cavanaugh
40 Hickory Hill Road
Tappan, New York 10983

ZBA #15-64
Date: July 15, 2015

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#15-64: Application of Kevin Cavanaugh for a variance from Zoning Code (Chapter 43) of the Town of Orangetown Code, Section 3.12, R-15 District, Group M, Column 10 (Total Side Yard: 50' required, 41.30' proposed) **change to Column 8 (Front Yard: 30' required, 21.3' existing)** for an addition to an existing single-family residence. The premises are located at 40 Hickory Hill Road, Tappan, New York and are identified on the Orangetown Tax Map as Section 77.09, Block 1, Lot 31.1; in the R-15 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, July 15, 2015 at which time the Board made the determination hereinafter set forth.

Kevin Cavanaugh appeared and testified.

The following documents were presented:

1. Copy of site plan (1 page).

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 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. Salomon and carried as follows: Mr. Feroldi, aye; Ms. Salomon, aye; Mr. Bosco, aye; Mr. Quinn, aye; and Mr. Sullivan, aye. Ms. Castelli was absent.

Mr. Cavanaugh testified that he would like to add a two car garage to his house; that he honored the 20' side yard but still needs a total side yard variance on the other side of the lot because of an existing deck; that he has two front yards because he lives on a corner lot.

The Board discussed the application and came to the conclusion that the applicant did not need a total side yard variance because he has two front yards; the applicant needs a front yard variance of 8.7' from the 30' required or 21.3' for the existing deck.

TOWN OF ORANGETOWN
2015 JUL 30 PM 1 23
TOWN CLERKS OFFICE

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 total side yard variance was changed to a front yard variance and will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The applicant has two front yards and the existing deck does not meet the front yard requirement of 30'. The existing deck is set back 21.3' from the front yard and requires a 8.7' front yard variance. The proposed garage meets the required 20' side yard and similar additions have been constructed in the area.
2. The requested front yard variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. Similar additions have been constructed in the area and the deck has existed for some time in its present location.
3. The benefits sought by the applicant cannot be achieved by other means feasible for the applicant to pursue other than by obtaining a variance.
4. The requested front yard variance is not substantial. The deck has existed for some time in its present location.
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.

TOWN OF ORANGETOWN
2015 JUL 30 PM 1 23
TOWN CLERKS OFFICE

DECISION: In view of the foregoing and the testimony and documents presented, the Board: RESOLVED, that the application for the requested front yard variance 8.7' from the required 30' set back or (21.3') is APPROVED; and FURTHER RESOLVED, that such decision and the vote thereon shall become effective and be deemed rendered on the date of adoption by the Board of the minutes of which they are a part.

General Conditions:

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

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

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

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

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

TOWN CLERKS OFFICE

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TOWN OF ORANGETOWN

The foregoing resolution to approve the application for the requested front yard variance 8.7' from the required 30' set back or (21.3') was presented and moved by Ms. Salomon, seconded by Mr. Quinn and carried as follows: Mr. Bosco, aye; Mr. Feroldi, aye; Mr. Quinn, aye ;Mr. Sullivan, aye; and Ms. Salomon, aye. Ms. Castelli 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: July 15, 2015

ZONING BOARD OF APPEALS
TOWN OF ORANGETOWN

By 
Deborah Arbolino
Administrative Aide

DISTRIBUTION:

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

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

TOWN OF ORANGETOWN
2015 JUL 30 PM 1 23
TOWN CLERKS OFFICE

DECISION

FRONT YARD AND SIDE YARD VARIANCES APPROVED

To: Mark Hovsepian
28 Whittier Road
Blauvelt, New York 10913

ZBA #15-65
Date: July 15, 2015

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#15- 65: Application of Mark Hovsepian for variances from Zoning Code (Chapter 43) of the Town of Orangetown Code, Section 3.12, R-40 District, Group E, Columns 8 (Front Yard: 50 required, 39.6' existing), and 10 (Side Yard: 30' required, 15.2' existing for a shed) for an addition to an existing single-family residence.. The premises are located at 28 Whittier Road, Blauvelt, New York and are identified on the Orangetown Tax Map as Section 65.18, Block 1, Lot 10; in the R-40 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, July 15, 2015 at which time the Board made the determination hereinafter set forth.

Mark Hovsepian appeared and testified.

The following documents were presented:

1. Copy of site plan (1 page).

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 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. Salomon and carried as follows: Mr. Feroldi, aye; Ms. Salomon, aye; Mr. Bosco, aye; Mr. Quinn, aye; and Mr. Sullivan, aye. Ms. Castelli was absent.

Mark Hovsepian testified that the house was built on a slab; that he is proposing to add an addition to the north side of the house; that the proposed addition conforms with zoning regulations but he needs variances for the existing front yard setback of the house and for the existing shed that does not conform to the side yard setback requirements; that his property was zoned commercial and he just got it changed to residential zoning.

Public Comment:

Diana Lamhut, 29 Whittier Road, testified that she is in favor of the granting of the variances; that she has lived in her house for 43 years and the shed has existed for that long; and that the addition would beautify the neighborhood.

TOWN CLERKS OFFICE

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TOWN OF ORANGETOWN

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 front yard and side yard variances will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The requested variances are for existing conditions.
2. The requested front yard and side yard variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The requested variances are for existing conditions.
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 front yard and 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. The requested variances are for existing conditions.
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.

TOWN OF ORANGETOWN
2015 JUL 30 PM 1 23
TOWN CLERKS OFFICE

DECISION: In view of the foregoing and the testimony and documents presented, the Board: RESOLVED, that the application for the requested front yard and 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.

TOWN CLERKS OFFICE
2015 JUL 30 PM 1 23
TOWN OF ORANGETOWN

The foregoing resolution to approve the application for the requested front yard and side yard variances was presented and moved by Mr. Quinn, seconded by Mr. Bosco and carried as follows: Mr. Bosco, aye; Mr. Feroldi, aye; Mr. Quinn, aye ; Mr. Sullivan, aye; and Ms. Salomon, aye. Ms. Castelli 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: July 15, 2015

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
2015 JUL 30 PM 1 23
TOWN CLERKS OFFICE

DECISION

REAR YARD, SECTION 5.224 OFF-STREET PARKING; SECTION 3.11, CC DISTRICT, COLUMN 6 #9 PARKING: 61 SPACES REQUIRED, 59 SPACES PROVIDED; AND SECTION 13.10 B(1) SCREENING & B (2) 25' BUFFER VARIANCES APPROVED

To: Donald Brenner (South Corner Plaza)
4 Independence Avenue
Tappan, New York 10983

ZBA #15-66
Date: July 15, 2015

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#15- 66: Application of South Corner Plaza Site Plan for variances from Zoning Code (Chapter 43) of the Town of Orangetown Code, CC District, Group JJ, Section 3.12 Column 11 (Rear Yard: 25' required, 14.8' existing); Section 5.224 (No off-street parking shall be located within any other required yard as regulated by § 6.1); Section 6.41, paragraph c: (one outdoor loading berth required, modified to **one** proposed): **Section 3.11, CC District, Column 6 #9(Parking Spaces: 61 spaces required, 59 spaces provided)**; and from Section 13.10 Route 303 Overlay Non-residential areas: B (1) (shall be adequately screened to minimize visual impact to passersby on Route 303) B(2) Twenty-five foot vegetative buffer); for a site plan for a proposed shopping plaza. The premises are located at 2 Route 340, Orangeburg, New York and are identified on the Orangetown Tax Map as Section 74.11, Block 2, Lot 47; in the CC zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, July 15, 2015 at which time the Board made the determination hereinafter set forth.

Donald Brenner, Attorney, Diane Samini, Owner, and Siavash Hoomehr, P.E., appeared and testified.

The following documents were presented:

1. Plans labeled " Site Development Plans prepared for S Corner Plaza" dated 03/10/2008 with the latest revision date of 06/10/2011 signed and sealed by Leonard Jackson, P.E. (15 pages).
2. Three memorandums from John Giardiello, P.E., Director, Office of Building, Zoning and Planning Administration and Enforcement, Town of Orangetown, dated April 6, 2009, February 24, 2010, and September 26, 2011.
3. Planning Board Decision #09-20 dated September 26, 2011.
4. A letter dated July 13, 2015 from the County of Rockland Department of Planning signed by Douglas J. Schuetz, Acting Commissioner of Planning.
5. A letter dated July 8, 2015 from the County of Rockland Department of Highways signed by Sonny Lin, P.E..
6. A letter dated June 26, 2015 from the County of Rockland Sewer District No.1 signed by Joseph La Fiandra, Engineer II.
7. A letter dated July 15, 2015 from the Department of Transportation signed by Joseph Taylor, MRP.

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 that since the Planning board noticed its intent to declare itself Lead Agency and distributed that notice of intention to all Involved Agencies, including the ZBA who consented or did not object to the Planning Board acting as Lead Agency for this application, pursuant to coordinated review under the State Environmental Quality Review Act Regulations §617.6 (b) (3); and since the Planning Board conducted a SEQRA review and on September 26, 2011, rendered an environmental determination of **no** significant adverse environmental impacts to result from the proposed land use action (i.e., a "Negative Declaration" or

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“Neg. Dec”), the ZBA is bound by the Planning Board’s Neg Dec and the ZBA cannot require further SEQRA review pursuant to SEQRA Regulation § 617.6 (b)(3). The motion was seconded by Ms. Salomon and carried as follows: Mr. Bosco, aye; Mr. Feroldi, aye; Mr. Quinn, aye; Ms. Salomon, aye; and Mr. Sullivan, aye. Ms. Castelli was absent.

Donald Brenner testified that his client purchased the property a few years ago; that it has been in disrepair for many years; that his clients are planning to clean it up and proceed with a small retail service area; that the project is taking a long time to move forward because of the sensitivity of the Sparkill Creek; that they have received preliminary approval and a neg dec from the Planning board and would like to move forward with the project; that they have been in business in Nanuet for 22 years and would like to own the property that they work from; that they would remove two parking spaces to accommodate a loading dock if the Board would prefer to grant a variance for less than the required parking and not the loading dock variance.

Diane Samini testified that she and her husband own Deans Deli in Nanuet for the last 22 years; that they are located by Costco; that they have a deli, bakery and catering business; that her husband takes care of the shopping center that they are presently located in and they purchased this property with the hope of owning their own shopping center and that the property is like the movie “The Money Pit”.

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 Mr. Quinn and carried unanimously.

FINDINGS OF FACT AND CONCLUSIONS:

After personal observation of the property, hearing all the testimony and reviewing all the documents submitted, the Board found and concluded that the benefits to the applicant if the variance(s) are granted outweigh the detriment (if any) to the health, safety and welfare of the neighborhood or community by such grant, for the following reasons:

1. The requested rear yard; Section 5.224-off-street parking; Section 3.11, CC District, Column 6, #9 (Parking: 61 spaces required, 59 spaces proposed); and Section 13.10 B(1)-screening and B(2) -25’ buffer, variances will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The applicant has agreed to provide a loading berth at the request of the Zoning Board and the Board has agreed to grant a variance for less than the required parking spaces.
2. The requested rear yard; Section 5.224-off-street parking; Section 3.11, CC District, Column 6, #9 (Parking: 61 spaces required, 59 spaces proposed); and Section 13.10 B(1)-screening and B(2) -25’ buffer, variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The applicant has agreed to provide a loading berth at the request of the Zoning Board and the Board has agreed to grant a variance for less than the required parking spaces.

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3. The benefits sought by the applicant cannot be achieved by other means feasible for the applicant to pursue other than by obtaining variances.
4. The requested rear yard; Section 5.224-off-street parking; Section 3.11, CC District, Column 6, #9 (Parking: 61 spaces required, 59 spaces proposed); and Section 13.10 B(1)-screening and B(2) -25' buffer, 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. The applicant has agreed to provide a loading berth at the request of the Zoning Board and the Board has agreed to grant a variance for less than the required parking spaces.
5. The applicant purchased the property subject to Orangetown's Zoning Code (Chapter 43) and is proposing a new addition and/or improvements, so the alleged difficulty was self-created, which consideration was relevant to the decision of the Board of Appeals, but did not, by itself, preclude the granting of the area variances.

DECISION: In view of the foregoing and the testimony and documents presented, the Board: RESOLVED, that the application for the requested rear yard; Section 5.224-off-street parking; Section 3.11, CC District, Column 6, #9 (Parking: 61 spaces required, 59 spaces proposed); and Section 13.10 B(1)-screening and B(2) -25' buffer, 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.

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(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 rear yard; Section 5.224-off-street parking; Section 3.11, CC District, Column 6, #9 (Parking: 61 spaces required, 59 spaces proposed); and Section 13.10 B(1)-screening and B(2) -25' buffer, variances was presented and moved by Mr. Bosco, seconded by Ms. Salomon and carried as follows: Mr. Bosco, aye; Mr. Feroldi, aye; Mr. Quinn, aye ;Mr. Sullivan, aye; and Ms. Salomon, aye. Ms. Castelli 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: July 15, 2015

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-N.A.

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

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DECISION

PERFORMANCE STANDARDS CONFORM

To: George Aaron (Safeguard Biosystems)
52 Brayton Street
Englewood, New Jersey, 07631

ZBA #15-67
Date: July 15, 2015

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#15-67: Application of Safeguard Biosystems for review of the Performance Standards as per Zoning Code (Chapter 43) of the Town of Orangetown Code, LIO District, Section 4.12 for laboratory space located at 37A Rockland Park Avenue, Tappan, New York and identified on the Orangetown Tax Map as Section 77.16, Block 1, Lot 32; in the LIO zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, July 15, 2015 at which time the Board made the determination hereinafter set forth.

George Aaron and Nick Smit appeared and testified.

The following documents were presented:

1. Space plan (1 page).
2. Equipment brochures (16 pages).
3. Lab Prep MiRNA Serum/Plasma Kit Handbook (6 pages).
4. Safety Data Sheets (5 pages).
5. Performance Standards Resume of Operations and Equipment.
6. Fire Prevention Supplement.
7. A letter dated July 8, 2015 from the County of Rockland Department of Planning signed by Douglas J. Schuetz, Acting Commissioner of Planning.
8. A letter dated July 3, 2015 from the County of Rockland Department of Highways signed by Sonny Lin, P.E..
9. A letter dated June 30, 2015 from the County of Rockland Drainage Agency signed by Vincent Altieri, Executive Director.
10. A letter dated June 18, 2015 from the Department of Environmental Management and Engineering, Town of Orangetown, signed by Joseph J. Moran P.E..
11. A memorandum dated 07/14/2015 from Michael B. Bettmann, OTC-1.

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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, 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 Mr. Bosco and carried as follows: Ms. Salomon, aye; Mr. Bosco, aye; Mr. Feroldi, aye; Mr. Quinn, aye; and Mr. Sullivan, aye. Ms. Castelli was absent.

George Aaron testified that there was a mistake on the address but it was corrected on the web site and the posters were changed; that they are closely tied to a company that operates out of Rockleigh New Jersey; that they have all medical waste removed by Stericycle and they will supply the names of the other waste pick up companies and they will satisfy all of the concerns from Michael Bettmann, Chief Fire Inspector for the Town of Orangetown.

Nick Smit, Chief Technical Officer, testified that the company performs molecular diagnostics by taking patient samples such as common bacteria, staph infections, blood, urine and they validate and intergrate samples using genetic sequencing to get results within hours instead of the four days that it would take to get results in a hospital.

The Performance Standards Resume of Operations and Equipment, and the Fire Prevention Supplement completed by the applicant were thereupon reviewed in detail.

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 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 June 18, 2015 from Joseph J. Moran, P.E., Commissioner of the Town of Orangetown Department of Environmental Management and Engineering (D.E.M.E.); the applicant shall satisfy all the conditions and requirements that may be required by Michael Bettmann, Chief Fire Inspector, Town of Orangetown Bureau of Fire Prevention (B.F.P.); 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.

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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 Applicant shall adhere to all of the requirements and/or conditions that may be required by Chief Fire Inspector Bettmann, B.F.P.; and (2) the Applicant shall adhere to all of the requirements set forth by the report dated June 18, 2015 from Joseph J. Moran, P.E., Commissioner, DEME; and (3) supply the clerk with all of the solid waste & medical waste contractor information; 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 Conformance to Zoning Code §4.1 Performance Standards Review with the Specific Conditions (a) that the Applicant adhere to all of the requirements and/or conditions that may be required by Chief Fire Inspector Bettmann, B.F.P.; (b) the Applicant shall adhere to all of the requirements set forth by the report dated June 18, 2015 from Joseph J. Moran, P.E., Commissioner, DEME; and (c) supply the clerk with all of the solid waste & medical waste contractor information; was presented and moved by Mr. Sullivan, seconded by Ms. Salomon and carried as follows: Mr. Feroldi, aye; Mr. Bosco, aye; Ms. Salomon, aye; Mr. Sullivan, aye; and Mr. Quinn, aye. Ms. Castelli 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: July 15, 2015

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 –R.A.O.

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

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