

MINUTES  
ZONING BOARD OF APPEALS  
MAY 6, 2015

MEMBERS PRESENT: DAN SULLIVAN  
JOAN SALOMON  
LEONARD FEROLDI, ALTERNATE  
THOMAS QUINN  
MICHAEL BOSCO  
PATRICIA CASTELLI ( arrived late present for last two hearings)

ABSENT: NONE

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:

PUBLISHED ITEMS

APPLICANTS

DECISIONS

NEW ITEM:

SHORT 69.18 / 4 / 30; R-15 zone	UNDERSIZED LOT, SIDE YARD, BUILDING HEIGHT, FRONT YARD AND FLOOR AREA RATIO VARIANCES	ZBA#15-32
GREENSTAR RESTAURANT 68.12 / 5 / 27; CC zone	SPECIAL PERMIT FOR OUTDOOR DINING GRANTED WITH SPECIFIC CONDITIONS	ZBA#15-33
SKAE TRAINING CENTER STORAGE SHED 76.08 / 1 / 3 & 4; LIO zone	ACCESSORY STRUCTURE VARIANCE GRANTED	ZBA#15-34
SKAE TRAINING CENTER WIND SCREEN & SIGN 76.08 / 1 / 3 & 4; LIO zone	FRONT YARD FENCE AND SIGN VARIANCE APPROVED	ZBA#15-35
ORGANIC RECYCLING PERFORMANCE STANDARDS 74.19 / 1 / 3; LI zone	PERFORMANCE STANDARD CONFORMANCE APPROVED	ZBA#15-36
LSI SERVICES PERFORMANCE STANDARDS 76.08 / 1 / 1; LIO zone	PERFORMANCE STANDARD REVIEW NOT REQUIRED	ZBA#15-37

TOWN OF ORANGETOWN  
2015 MAY 29 PM 12 25  
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OTHER BUSINESS:

In response to requests from the Orangetown Planning Board, the Zoning Board of Appeals: RESOLVED, to approve the action of the Acting Chairperson executing on behalf of the Board its consent to the Planning Board acting as Lead Agency for the State Environmental Quality Review Act (SEQRA) coordinated environmental review of actions pursuant to SEQRA Regulations § 617.6 (b)(3) the following applications: Skae Palisades Internal Commercial Subdivision plan, 348 Route 9W, Palisades, NY; 78.09 / 1 / 26 & 27; R-80 zone; Shaw Site Plan, 111 Route 9W, Upper Grandview, NY 71.05 / 2 / 20; R-22 zone; One Ramland Road Internal Subdivision Plan, 1 Ramland Road, Orangeburg, NY, 73.20 / 1 / 24; LIO zone; Celtic Sheet Metal Site Plan, 1 Corporate Drive, Orangeburg, NY 73.20 / 1 / 32; LIO zone; and FURTHER RESOLVED, to request to be notified by the Planning Board of SEQRA proceedings, hearings, and determinations with respect to these matters.

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 10:10 P.M.

Dated: May 6, 2015

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  
2015 MAY 29 PM 12 25  
TOWN OF ORANGETOWN

DECISION  
**UNDERSIZED LOT APPLIES: SIDE YARD, BUILDING HEIGHT, FLOOR  
AREA RATIO AND FRONT YARD, VARIANCES APPROVED**

To: Bryan Short  
131 South Naurashaun Avenue  
Pearl River, New York 10965

ZBA #15-32  
Date: May 6, 2015

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#15-32: Application of Bryan Short for variances from Zoning Code (Chapter 43) of the Town of Orangetown Code, R-15 District, Section 5.21 (c) (undersized lot applies: Side Yard: 12' required, 8.2' existing and proposed), Section 5.21 (e) undersized lot: building height: 20' permitted, 33' proposed) and from Section 3.12, Group M, Column 4 (Floor Area Ratio: .20 permitted, .28 existing, .33 proposed), and 8 (Front Yard: 30' required, 26 ½' existing & proposed) for an addition to an existing single-family residence. The premises are located at 131 South Naurashaun Avenue, Pearl River, New York and are identified on the Orangetown Tax Map as Section 69.18, 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, May 6, 2015 at which time the Board made the determination hereinafter set forth.

Bryan and Renee Short appeared and testified.

The following documents were presented:

1. Plot plan based on survey by W. Yuda, P.E. dated March 2, 1955 (1 page) signed and sealed by Dennis M. Letson, P.E. dated March 20, 2015.
2. Architectural drawings dated March 20, 2015 signed and sealed by Dennis M. Letson, P.E.. ( 2 pages)
3. ZBA Decision dated 01/05/1972 #72-05.
4. A letter dated April 27, 2015 from the County of Rockland Department of Planning signed by Douglas J. Schuetz, Acting Commissioner of Planning.
5. A letter dated May 5, 2015 from the County of Rockland Department of Highways signed by Sonny Lin, 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 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 for this hearing.

Renee Short testified that the garage is existing in place and they would like to remove the existing roof and add a second story; that the addition would give them a master bedroom and bathroom; that they would side the entire house to match and that the assessor has them calculated at more square footage than the appraisal that they just had done on the house; that the garage was added on to the structure in the 70's and the engineer said that it would accommodate a second story with an additional girder; and that many of the surrounding houses in the neighborhood have done similar additions.

2015 MAY 29 PM 12 25

TOWN OF ORANGETOWN

TOWN CLERKS OFFICE

Bryan Short stated that they have lived in the house for eight years and purchased it five years ago; that the addition requires no excavation and they need the additional bedroom because their five and six year old daughter and son are presently sharing a bedroom.

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, front yard, side yard and building height variances will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The proposed addition is a second floor over an existing garage and is not changing the existing footprint. Similar additions have been constructed in the neighborhood.
2. The requested floor area ratio, front yard, side yard and building height variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The proposed addition is a second floor over an existing garage and is not changing the existing footprint. 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, front yard, side yard and building height 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 proposed addition is a second floor over an existing garage and is not changing the existing footprint. 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 OF ORANGETOWN  
2015 MAY 29 PM 12 25  
TOWN CLERKS OFFICE

DECISION: In view of the foregoing and the testimony and documents presented, the Board: RESOLVED, that the application for the requested floor area ratio, front yard side yard and building height 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 MAY 29 PM 12 25

TOWN OF ORANGETOWN

The foregoing resolution to approve the application for the requested floor area ratio, front yard, side yard and building height variances was presented and moved by Mr. Quinn, 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 for this application.

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: May 6, 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 CLERKS OFFICE  
2015 MAY 29 PM 12 25  
TOWN OF ORANGETOWN

DECISION  
**SPECIAL PERMIT FOR OUTDOOR DINING APPROVED WITH SPECIFIC  
CONDITIONS**

To: Franquil Zotamba –Molina (Greenstar)  
163 North Middletown Road  
Pearl River, New York 10965

ZBA #15-33  
Date: May 6, 2015

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#15-33: Application of Greenstar Restaurant for a Special Permit from Zoning Code (Chapter 43) of the Town of Orangetown Code, CC District refers to CS District, Section 3.11, Column 7 #1 (All restaurant or food service facilities shall be within completely enclosed buildings unless by Special Permit of the Zoning Board of Appeals), for an existing restaurant. The premises are located at 163 North Middletown Road, Pearl River, New York and are identified on the Orangetown Tax Map as Section 68.12, Block 5, Lot 27; in the CC zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, May 6, 2015 at which time the Board made the determination hereinafter set forth.

Franquil Zotamba-Molina appeared and testified.

The following documents were presented:

1. Three pages of drawings showing the seating inside and outside of the restaurant, the front elevation and the street diagram.

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 to construct or expand a primary or accessory/ 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. Feroldi, aye; Ms. Salomon, aye; Mr. Bosco, aye; Mr. Quinn, aye; and Mr. Sullivan, aye. Ms. Castelli was absent for this hearing.

Franquil Zotamba testified that the patio exists; that he opened the restaurant in August last year; that he would like to place six tables on the patio because some people like to eat outside in the nice weather; that the patio is approximately 30' long and 9' wide; that the restaurant is open from 7 A.M. until 9 P.M. during the week and until 10 P.M. on Friday and Saturday; that the requirements of Section 4.31 of the code regarding the granting of special permits can be met. The Board discussed the code requirements: that the patio is appropriately located in the rear of the restaurant and will not affect transportation, water supply, waste disposal, fire or police protection or other public facilities; that the granting of the special permit will not cause undo traffic congestion or create a traffic hazard; that the restaurant has more than enough parking; that the granting of the special permit will not create at any point of determination set forth in §§ 4.16, 4.17 or 4.18 any more dangerous and objectionable elements referred to in § 4.11 than is characteristic of the uses expressly permitted as of right in the same district; that the granting of the special permit will not adversely affect the character of or property values in the area; that the existing patio will not change the

TOWN CLERKS OFFICE

2015 MAY 29 PM 12 25

TOWN OF ORANGETOWN

drainage in the area.

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 the documents presented, 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 Special Permit for Outdoor Dining would not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The applicant has agreed to limit the outdoor dining to the hours of 11:30 a.m. to 10:00 p.m. and use of the outdoor dining area would be limited to March through October.
2. The applicant has agreed that, at no time, would live or amplified music be played outside.
3. The benefits sought cannot be achieved by other means feasible for the applicant other than by obtaining a Special Permit.
4. The requirements of Section 4.31 of the Zoning Code regarding the granting of Special Permits can be met. The patio will be appropriately located in the rear of the restaurant and will not affect transportation, water supply, waste disposal, fire or police protection or other public facilities; the granting of the Special Permit will not cause undo traffic congestion or create a traffic hazard; the granting of the Special Permit will not create at any point of determination set forth In Zoning Code §§ 4.16. 4.17 or 4.18 any more dangerous and objectionable elements referred to in § 4.11 than is characteristic of the uses expressly permitted as of right in the same district; the granting of the Special Permit will not adversely affect the character of or property values in the area.

TOWN CLERKS OFFICE  
2015 MAY 29 PM 12 26  
TOWN OF ORANGETOWN



DECISION: In view of the foregoing and the testimony and documents presented, the Board: RESOLVED, that the application for the requested Special Permit for Outdoor Dining is APPROVED with the following SPECIFIC CONDITIONS: (1) The outdoor dining hours of operation shall be 11:30 a.m. to 9:00 p.m. (Sunday through Thursday) and until 10:00 P.M. on Friday and Saturday evenings; for the months of March through October; (2) There shall be no live or amplified music, at anytime permitted outside; 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.

TOWN CLERKS OFFICE  
2015 MAY 29 PM 12 26  
TOWN OF ORANGETOWN

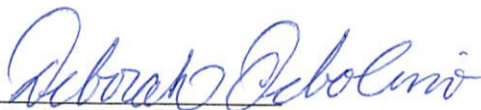
(v) Any foregoing variance or Special Permit will lapse if any contemplated construction of the project or any use for which the variance or Special Permit is granted is not substantially implemented within one year of the date of filing of this decision or that of any other board of the Town of Orangetown 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 Special Permit for outdoor dining with the following SPECIFIC CONDITIONS: (1) The outdoor dining hours of operation shall be 11:30 a.m. to 9:00 p.m. (Sunday through Thursday) and until 10:00 P.M. on Friday and Saturday evenings; for the months of March through October; (2) There shall be no live or amplified music, at anytime permitted outside; was presented and moved by Mr. Sullivan, seconded by Ms. Salomon and carried as follows: Mr. Bosco, aye; Mr. Quinn, aye; Mr. Feroldi, aye; Ms. Salomon, aye; and Mr. Sullivan, aye. Ms. Castelli was absent for this hearing.

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: May 6, 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 CLERKS OFFICE  
2015 MAY 29 PM 12 26  
TOWN OF ORANGETOWN  
2015 MAY 29 PM 12 26  
TOWN OF ORANGETOWN

DECISION

**§ 5.153 ACCESSORY STRUCTURE VARIANCE APPROVED**

To: Donald Brenner (Skae Training Center)                      ZBA #15-34  
4 Independence Avenue    Date: May 6, 2015  
Tappan, New York 10983

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#15-34: Application of Skae Training Center for variances from Zoning Code (Chapter 43) of the Town of Orangetown Code, LIO District, Section 5.153 ( Accessory Structure shall not be closer than 15' to principal building: 4' is proposed) for the installation of an accessory storage shed at an existing commercial use. The premises are located at 337-330 Blaisdell Road, Orangeburg, New York and are identified on the Orangetown Tax Map as Section 76.08, Block 1, Lot 3 & 4; in the LIO zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, May 6, 2015 at which time the Board made the determination hereinafter set forth.

Donald Brenner, Attorney, Sara Torrens, Attorney, and Peter Skae appeared and testified.

The following documents were presented:

1. Copy of site plan dated September 12, 2014 with the latest revision date of 3/2/2015 labeled "Final As built for Skae Training (1 page).
2. Versa Tube Building System (4 pages) dated 3/4/2015 signed and sealed by Stephen Phillip Maslan, P.E.
3. A letter dated April 15, 2015 from the County of Rockland Department of Planning signed by Douglas J. Schuetz, Acting Commissioner of Planning.
4. A letter dated May 5, 2015 from the County of Rockland Department of Highways signed by Sonny Lin, 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 does not seek to construct or expand 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. Feroldi, aye; Ms. Salomon, aye; Mr. Bosco, aye; Mr. Quinn, aye; and Mr. Sullivan, aye. Ms. Castelli was absent for this hearing.

Peter Skae testified that the outdoor storage area was always shown on the site plan; that the building inspector said he needed a variance because the storage area has a roof over it; that the storage shed is not actually a shed, it has a roof and is open on both ends; and that they need it to house the outdoor work out equipment.

TOWN CLERKS OFFICE

2015 MAY 29 PM 12 26

TOWN OF ORANGETOWN

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 § 5.153 accessory structure variance will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. Placing the workout equipment, such as large tires, in a covered storage shed improves the look of the property when the equipment is not in use, rather than piling it up outside.
2. The requested § 5.153 accessory structure variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. Placing the workout equipment, such as large tires, in a covered storage shed improves the look of the property when the equipment is not in use, rather than piling it up outside.
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 § 5.153 accessory structure 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. Placing the workout equipment, such as large tires, in a covered storage shed improves the look of the property when the equipment is not in use, rather than piling it up outside.
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 MAY 29 PM 12 26

TOWN OF ORANGETOWN

DECISION: In view of the foregoing and the testimony and documents presented, the Board: RESOLVED, that the application for the requested § 5.153 accessory structure variance 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.

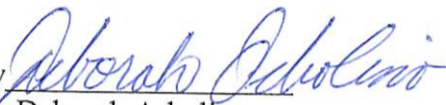
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2015 MAY 29 PM 12 27  
TOWN OF ORANGETOWN

The foregoing resolution to approve the application for the requested § 5.153 accessory structure variance 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: May 6, 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 MAY 29 PM 12 27  
TOWN CLERKS OFFICE

DECISION

**§ 3.11, COLUMN 5 #11 SIGN SIZE VARIANCE APPROVED AND § 5.226 FRONT YARD FENCE HEIGHT VARIANCE APPROVED**

To: Donald Brenner (Skae Training Center)  
4 Independence Avenue  
Tappan, New York 10983

ZBA #15-35  
Date: May 6, 2015

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#15-35: Application of Skae Training Center for variances from Zoning Code (Chapter 43) of the Town of Orangetown Code, LIO District, Section 3.11, Column 5 #11 (Sign: 30 sq. ft. permitted, 400 sq. ft. proposed) and from Section 5.226 (Front Yard Fence Height: 4 ½' permitted, 6' proposed) for the installation of a sign and wind screen on a fence at an existing commercial use. The premises are located at 337-330 Blaisdell Road, Orangeburg, New York and are identified on the Orangetown Tax Map as Section 76.08, Block 1, Lot 3 & 4; in the LIO zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, May 6, 2015 at which time the Board made the determination hereinafter set forth.

Donald Brenner, Attorney, Sarah Torrens, Attorney, and Peter Skae appeared and testified.

The following documents were presented:

1. Copy of site plan dated September 12, 2014 with the latest revision date of 3/2/2015 labeled "Final As built for Skae Training (1 page).
2. Color picture of the windscreen with red lettering which is the sign.
3. A letter dated April 15, 2015 from the County of Rockland Department of Planning signed by Douglas J. Schuetz, Acting Commissioner of Planning.
4. A letter dated May 5, 2015 from the County of Rockland Department of Highways signed by Sonny Lin, P.E..
- 5.

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 does not seek to construct or expand 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. Feroldi, aye; Ms. Salomon, aye; Mr. Bosco, aye; Mr. Quinn, aye; and Mr. Sullivan, aye. Ms. Castelli was absent for this hearing.

Peter Skae testified that this fence is not in the front yard; that it runs even with the building; that the lettering on the windscreen should not count as a sign; and that the auto body shop next door to the building department had one up for a while.

Dan Sullivan explained that the windscreen with lettering is considered a sign and it is in the front yard.

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2015 MAY 29 PM 12 27

TOWN OF ORANGETOWN

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 §5.226 fence height, and § 3.11, Column 5 #1 sign size, variances will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The windscreen with lettering is set far enough back from the road not to interfere with traffic and serves double duty for the athletes using the facility.
2. Because of the location of the front yard fence, its height and sign size, the Board made a determination that the comments from Rockland County Planning's Department letter dated April 15, 2015 shall be overridden.
3. The requested §5.226 fence height, and § 3.11, Column 5 #1 sign size, variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The windscreen with lettering is set far enough back from the road not to interfere with traffic and serves double duty for the athletes using the facility.
4. The benefits sought by the applicant cannot be achieved by other means feasible for the applicant to pursue other than by obtaining variances. The windscreen with lettering is set far enough back from the road not to interfere with traffic and serves double duty for the athletes using the facility.
5. The requested §5.226 fence height, and § 3.11, Column 5 #1 sign size, variance 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.
6. 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 MAY 29 PM 12 27  
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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 §5.226 fence height, and § 3.11, Column 5 #1 sign size, variances, and to override #1 & #2 of the Rockland County Planning Department letter of April 15, 2015, 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 MAY 29 PM 12 27  
TOWN OF ORANGETOWN

Skae Training Center  
ZBA#15-35  
Page 4 of 4

The foregoing resolution to approve the application for the requested \$5.226 fence height, and § 3.11, Column 5 #1 sign size, variances, and to override #1 & #2 of the Rockland County Department of Planning letter dated April 15, 2015; was presented and moved by Mr. Feroldi, 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: May 6, 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 MAY 29 PM 12 27  
TOWN CLERKS OFFICE

DECISION  
**PERFORMANCE STANDARDS APPROVED, WITH CONDITIONS, FOR FIVE YEARS**

To: Donald Brenner (Organic Recycling)  
4 Independence Avenue  
Tappan, New York 10983

ZBA #15-36  
Date: May 6, 2015

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#15-36: Application of Organic Recycling for renewal of the Performance Standards (granted in ZBA#10-27 for five years) Zoning Code (Chapter 43) of the Town of Orangetown Code, LI District, Section 4.12, for the continued composting operation taking place at 117A Route 303, Tappan, New York and identified on the Orangetown Tax Map as Section 74.19, Block 1, Lot 3; in the LI zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, May 6, 2015 at which time the Board made the determination hereinafter set forth.

Donald Brenner, Attorney, and Sarah Torrens and Cassandra Lim appeared and testified.

The following documents were presented:

1. Plans labeled " Site Plan & Materials Flow Yard Waste Composting Facility at Organic Recycling" dated 8/5/2014 , revised 1/15/2015 signed and sealed by Jay A. Greenwell, L.S. (1 page).
2. ZBA Decision #10-27 dated April 21, 2010.
3. Performance standards resume of operations and equipment dated April 19, 2015.
4. Fire Prevention Supplement.
5. A memorandum dated April 21, 2015 from Michael B. Bettmann, Chief Fire Inspector, Town of Orangetown.
6. A letter dated April 22, 2015 from the County of Rockland Department of Planning signed by Douglas J. Schuetz, Acting Commissioner of Planning.
7. A letter dated May 5, 2015 from the County of Rockland Department of Highways signed by Sonny Lin, P.E..
8. A letter dated April 15, 2015 from the Department of Environmental Management and Engineering signed by Joseph J. Moran, P.E., Town of Orangetown.
9. A letter in support of the project, dated May 1, 2015 from James Dean, Superintendent of Highways, Town of Orangetown (2pages).
10. A letter dated April 24, 2015 from the County of Rockland Department of Highways signed by Charles H. Vezzetti, Superintendent of highways.
11. A letter dated April 24, 2015 from the County of Rockland Drainage Agency signed by Vincent Altieri, Executive Director.
12. A letter dated March 27, 2015 from the County of Rockland Department of Health signed by Scott McKane, P.E., Senior Public health Engineer.
13. A letter dated May 5, 2015 from Daniel J. Scott, 21 Hansen Street, Tappan, in support of the application.
14. A copy of an e-mail from Ashley Wilson to Cass Lim regarding the DEC "Solid waste Management permit renewal, which anticipates the renewal permit will be issued as soon as possible and apologizes for the delay.

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

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2015 MAY 29 PM 12 27

TOWN OF ORANGETOWN

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: Ms. Salomon, aye; Ms. Castelli, aye; Mr. Bosco, aye; Mr. Quinn, aye; and Mr. Sullivan, aye.

Cassandra Cass testified that they are no longer composting grass clippings; that they compost brush and leaves; that they need to renew the DEC permit every five years; that there is always material on site but things move out and in every three months; that they can keep the piles to no more than 20' high and they will provide a site plan with everything labeled as per Michael Bettmann's request.

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: (i) the applicant's Resume of Operations and Equipment and the Fire Prevention Supplement dated April 19, 2015; (ii) the report dated April 15, 2015 from Joseph J. Moran, P.E., Commissioner of the Town of Orangetown Department of Environmental Management and Engineering (D.E.M.E.); (iii) the report dated April 21, 2015 from Michael Bettmann, Chief Fire Inspector, Town of Orangetown Bureau of Fire Prevention (B.F.P.); (iv) the letter dated May 5, 2015 from the County of Rockland Department of Highways signed by Sonny Lin, P.E.; (v) the letter dated April 24, 2015 from the County of Highways signed by Charles H. Vezzetti, Superintendent of Highways; (vi) Rockland County Department of Health letter dated March 27, 2015 signed by Scott McKane, P.E., Senior Public Health Engineer; (vii) County of Rockland Drainage Agency letter dated April 24, 2015 signed by Vincent Altieri, Executive Director; (viii) the letter dated April 22, 2015 from the County of Rockland Department of Planning signed by Douglas J. Schuetz, Acting Commissioner; (ix) 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.

2015 MAY 29 PM 12:28  
TOWN OF ORANGETOWN  
TOWN CLERK OF BOARD

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) that the Applicant adhere to all of the requirements set forth in the report by Chief Fire Inspector Bettmann, B.F.P., dated April 21, 2015; and (2) that the Applicant adhere to all of the requirements set forth by the report dated April 15, 2015 from Joseph J. Moran, P.E., Commissioner, DEME; and (3) the height of the compost piles shall not exceed 20'; 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.

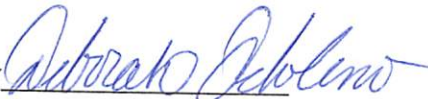
TOWN OF ORANGETOWN  
2015 MAY 29 PM 12 28  
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The foregoing resolution to approve the application for Conformance to Zoning Code §4.1 Performance Standards Review with the specific conditions set forth on the previous pages, was presented and moved by Ms. Salomon, seconded by Mr. Sullivan and carried as follows: Mr. Bosco, aye; Mr. Quinn, aye ;Ms. Castelli, aye; Ms. Salomon, aye; and Mr. Sullivan, aye.

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: May 6, 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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2015 MAY 29 PM 12 28  
TOWN OF ORANGETOWN

DECISION  
**PERFORMANCE STANDARDS REVIEW NOT REQUIRED NOR NECESSARY**

To: Donald Brenner (LSI Services)  
4 Independence Avenue  
Tappan, New York 10983

ZBA #15-37  
Date: May 6, 2015

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#15-37: Application of LSI Services for review of the Performance Standards Zoning Code (Chapter 43) of the Town of Orangetown Code, LIO District, Section 4.12 for an irrigation system business. The Business is located at 336 Blaisdell Road, Orangeburg, New York and identified on the Orangetown Tax Map as Section 76.08, Block 1, Lot 1; in the LI) zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, May 6, 2015 at which time the Board made the determination hereinafter set forth.

Donald Brenner, Attorney, Sarah Torrens, Attorney, and Darden Bilali, owner, appeared and testified.

The following documents were presented:

1. Plans labeled " Site Development Plan for LSI Services " dated 11/27/2012 , revised 03/16/2015 signed and sealed by Jay A. Greenwell, L.S. (1 page).
2. Plans labeled "Internal Vehicle Parking and Outside Material Layout for LSI Services " dated 03/10/2015 signed and sealed by Jay A. Greenwell, L.S. (1 page).
3. ZBA Decision #13-80 dated June 4, 2014.
4. Planning Board Decision #15-04 dated January 28, 2015.
5. Performance standards resume of operations and equipment dated February 6, 2015.
6. Fire Prevention Supplement.
7. A letter dated April 22, 2015 from the County of Rockland Department of Planning signed by Douglas J. Schuetz, Acting Commissioner of Planning.
8. A letter dated May 6, 2015 from the County of Rockland Department of Highways signed by Sonny Lin, P.E..
9. A letter dated April 22, 2015 from the Department of Environmental Management and Engineering signed by Joseph J. Moran, P.E., Town of Orangetown.

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

The Board discussed the application and considered condition #6 of the Zoning board of Appeals Decision # 13-80 dated June 4, 2014 and decided that the application did not require a Performance Standards Review.

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2015 MAY 29 PM 12 29  
TOWN OF ORANGETOWN

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 dated February 6, 2015; the Zoning Board of Appeals finds and concludes that a Performance Standards Review is not required, nor is it necessary to conform to Performance Standards; the Zoning Board of Appeals finds and concludes that the Board is reversing the decision of the Building Inspector by concluding that Performance Standards Review is not required or necessary for this application.

**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 **NOT REQUIRED NOR NECESSARY**. 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 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

2015 MAY 29 PM 12:29  
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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 Reverse the Decision of the Building Inspector and find and conclude that the application for Conformance to Zoning Code §4.1 Performance Standards Review is neither necessary nor required, was presented and moved by Mr. Sullivan, seconded by Ms. Castelli and carried as follows: Mr. Bosco, aye; Mr. Quinn, aye ;Ms. Castelli, aye; Ms. Salomon, aye; and Mr. Sullivan, aye.

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: May 6, 2015

ZONING BOARD OF APPEALS  
TOWN OF ORANGETOWN

By   
Deborah Arbolino  
Administrative Aide

DISTRIBUTION:

APPLICANT  
ZBA MEMBERS  
SUPERVISOR  
TOWN BOARD MEMBERS  
TOWN ATTORNEY  
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CHAIRMAN, ZBA, PB, ACABOR

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2015 MAY 29 PM 12 29  
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