

MINUTES
ZONING BOARD OF APPEALS
MAY 7, 2014

MEMBERS PRESENT: JOAN SALOMON
PATRICIA CASTELLI
THOMAS QUINN
LEONARD FEROLDI, ALTERNATE

ABSENT: MICHAEL BOSCO
DANIEL SULLIVAN, CHAIRMAN

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 Ms. Castelli, Acting Chair.

Hearings on this meeting's agenda, which are made a part of this meeting, were held as noted below:

PUBLISHED ITEMS

APPLICANTS

DECISIONS

CONTINUED ITEM:

HOLIHAN 74.14 / 2 / 36; R-15 zone	POSTPONED	ZBA#14-10
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NEW ITEMS:

RUSSELL 74.17 / 1 / 28; R-22 zone	FLOOR AREA RATIO, FRONT YARD, SIDE YARD AND TOTAL SIDE YARD VARIANCES APPROVED	ZBA#14-28
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PRUSINOWSKI 78.18 / 1 / 56; R-40 zone	CONTINUED	ZBA#14-29
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GRACE TABERNACLE 77.08 / 5 / 41; CS zone	FRONT YARD, AND SIDE YARD VARIANCES APPROVED	ZBA#14-30
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LEWIS SUBDIVISION 68.12 / 1 / 51; RG zone	BUILDING HEIGHT VARIANCE APPROVED	ZBA#14-31
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ALUF PERFORMANCE STANDARDS 70.18 / 2 / 15; LI zone	APPROVED	ZBA#14-32
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TOWN CLERKS OFFICE

2014 MAY 27 PM 12 16

TOWN OF ORANGETOWN

In response to requests from the Orangetown Planning Board, the Zoning Board of Appeals: RESOLVED, to approve the action of the Chairman 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: Orangetown Shopping Center Site Plan, 1-45 Orangetown Shopping Center, located on the south side of Orangeburg Road, 0 feet east of the intersection of Dutch Hill Road, Orangeburg, N.Y. 74.10 / 1 / 67; CS 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 9:20 P.M.

Dated: May 7, 2014

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 OF ORANGETOWN
2014 MAY 27 PM 12 16
TOWN CLERKS OFFICE

DECISION

**FLOOR AREA RATIO, FRONT YARD, SIDE YARD AND TOTAL SIDE YARD
VARIANCES APPROVED**

To: Richard Russell
134 Constitution Drive
Orangeburg, New York 10962

ZBA # 14-28
Date: May 7, 2014

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#14-28: Application of Richard Russell for variances from Chapter 43 of the Code of the Town of Orangetown, R-22 District, Group I, Columns 4 (Floor Area Ratio: .20 permitted, .209 proposed), 8 (Front Yard: 40' required, 34.07' proposed), 9 (Side Yard: 25' required, 20.4' existing), and 10 (Total Side Yard: 60' required, 50.1' existing) for an addition to an existing single-family residence. The premises are located at 134 Constitution Drive, Orangeburg, New York and are identified on the Orangetown Tax Map as Section 74,17, Block 1, Lot 28; in the R-22 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, May 7, 2014 at which time the Board made the determination hereinafter set forth.

Richard Russell and Jane Slavin, Architect, appeared and testified.

The following documents were presented:

1. Architectural plans dated 02/25/ 2014 signed and sealed by Jane Slavin, Architect. (1 page)
2. Site plan dated 01/28/2013 based on survey prepared by Stephen Hoppe, PLS signed and sealed by Jane Slavin, Architect.

Ms. Castelli, Acting Chair, 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, Ms. Castelli 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: Ms. Salomon, aye; Ms. Castelli, aye; Mr. Quinn, aye; and Mr. Feroldi, aye. Mr. Sullivan and Mr. Bosco were absent.

Jane Slavin, Architect, testified that currently the house has a front stoop and the family would like to add a front porch; that there are many colonial style homes in the neighborhood and most of them have front porches.

Richard Russell testified that they have owned the house for eleven years; that there are five in the family and that they would like to add a front porch.

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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.

Ms. Castelli 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 total side 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 area; many of the houses in the neighborhood are colonial style homes with front porches.
2. The requested floor area ratio, front yard, side yard and total side yard variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. Similar additions have been constructed in the area; many of the houses in the neighborhood are colonial style homes with front porches.
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 total side yard variances, although somewhat substantial, afford benefits to the applicant that are not outweighed by the detriment, if any, to the health, safety and welfare of the surrounding neighborhood or nearby community. Similar additions have been constructed in the area; many of the houses in the neighborhood are colonial style homes with front porches.
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
2014 MAY 27 PM 12 16
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 total side yard variances are APPROVED; and FURTHER RESOLVED, that such decision and the vote thereon shall become effective and be deemed rendered on the date of adoption by the Board of the minutes of which they are a part.

General Conditions:

- (i) The approval of any variance or Special Permit is granted by the Board in accordance with and subject to those facts shown on the plans submitted and, if applicable, as amended at or prior to this hearing, as hereinabove recited or set forth.
- (ii) Any approval of a variance or Special Permit by the Board is limited to the specific variance or Special Permit requested but only to the extent such approval is granted herein and subject to those conditions, if any, upon which such approval was conditioned which are hereinbefore set forth.
- (iii) The Board gives no approval of any building plans, including, without limitation, the accuracy and structural integrity thereof, of the applicant, but same have been submitted to the Board solely for informational and verification purposes relative to any variances being requested.
- (iv) A building permit as well as any other necessary permits must be obtained within a reasonable period of time following the filing of this decision and prior to undertaking any construction contemplated in this decision. To the extent any variance or Special Permit granted herein is subject to any conditions, the building department shall not be obligated to issue any necessary permits where any such condition imposed should, in the sole judgment of the building department, be first complied with as contemplated hereunder. Occupancy will not be made until, and unless, a Certificate of Occupancy is issued by the Office of Building, Zoning and Planning Administration and Enforcement which legally permits such occupancy.
- (v) Any foregoing variance or Special Permit will lapse if any contemplated construction of the project or any use for which the variance or Special Permit is granted is not substantially implemented within one year of the date of filing of this decision or that of any other board of the Town of Orangetown granting any required final approval to such project, whichever is later, but in any event within two years of the filing of this decision. Merely obtaining a Building Permit with respect to construction or a Certificate of Occupancy with respect to use does not constitute "substantial implementation" for the purposes hereof.

TOWN CLERKS OFFICE
2014 APR 27 PM 12 16
TOWN OF ORANGETOWN

The following information was obtained from the records of the
Department of the Interior, Bureau of Land Management, and
the records of the Bureau of Reclamation, and is being furnished
to you for your information.

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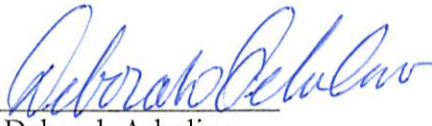
10/10/1951
R. J. [unclear]
[unclear]

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

The Administrative Aide to the Board is hereby authorized, directed and empowered to sign this decision and file a certified copy thereof in the office of the Town Clerk.

DATED: May 7, 2014

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
2014 MAY 27 PM 12 16
TOWN CLERKS OFFICE

DECISION

FRONT YARD AND SIDE YARD VARIANCES APPROVED

To: John Atzl (Grace Tabernacle)
234 No. Main Street
New City, New York 10956

ZBA # 14-30
Date: May 7, 2014

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#14-30: Application of Grace Tabernacle for variances from Chapter 43 (Zoning) of the Code of the Town of Orangetown, CS District, Group FF, Columns 8 (Front Yard: 0'/12' required, 1.4' existing) and 9 (Side Yard: 0'/12' required, 0.9' existing) for an extension to an existing building. The premises are located at 617 Main Street, Sparkill, New York and are identified on the Orangetown Tax Map as Section 77.08, Block 5, Lot 41; CS zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, May 7, 2014 at which time the Board made the determination hereinafter set forth.

John Atzl, Land Surveyor and Mr. Mathew appeared and testified.

The following documents were presented:

1. Site plan dated 01/29/2014 signed and sealed by John R. Atzl, Licensed Surveyor. (1 page)
2. A letter dated April 25, 2014 from the County of Rockland Department of Planning signed by Thomas B. Vanderbeek, P.E., Commissioner of Planning.
3. A letter dated April 15, 2014 from the County of Rockland Department of Health signed by Scott McKane, P.E., Senior Public Health Engineer.
4. A letter dated April 11, 2014 from the County of Rockland Sewer District No. 1 signed by Joseph LaFiandra, Engineer II.
5. A letter dated May 6, 2014 received in our office May 9, 2014 from the County of Rockland Department of Highways signed by Sonny Lin. P.E..

Ms. Castelli, Acting Chair, 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, Ms. Castelli moved for a Board determination that since the Planning Board noticed its intent to declare itself Lead Agency for this application and distributed those notices 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 SEQRA review on March 26, 2014, rendered environmental determinations of **no** significant adverse environmental impacts to result from the proposed land use actions (i. e., A "Negative Declaration" or "Neg. Dec."), the ZBA is bound by the Planning Board's Neg Dec and the ZBA cannot require further SEQRA review pursuant to SEQRA Regulations §617.6 (b) (3). The motion was seconded by Ms. Salomon and carried as follows: Ms. Salomon, aye; Ms. Castelli, aye; Mr. Quinn, aye; and Mr. Feroldi, aye. Mr. Sullivan and Mr. Bosco were absent.

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John Atzl, Land Surveyor testified that they will comply with all of the requests made in the letters from the referral agencies; that this is an existing commercial building that is being converted into a church; that they are proposing a two-story addition 26 ½' x 16 ½' in the rear of the building; that this area will have a cathedral ceiling; that they are dedicating a portion of the front property to the county and are not changing anything at the front of the building.

John Mathew testified that that the congregation is small and meets up off of exit 14 presently; that they currently have approximately 20 to 25 members and will probably grow to about 40 members; and that this building has 40 seats.

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.

Ms. Castelli 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 building has existed with the existing front and side yards and is currently being repurposed for a church. The set back is changing because of a road dedication to the County. The proposed addition will extend the pre-existing non-conforming side yard.
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 building has existed with the existing front and side yards and is currently being repurposed for a church. The set back is changing because of a road dedication to the County. The proposed addition will extend the pre-existing non-conforming side yard.
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.

TOWN OF ORANGETOWN
2014 MAY 27 PM 12:15
TOWN CLERK'S OFFICE

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 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 OF ORANGETOWN
2014 MAY 27 PM 12 16
TOWN CLERKS OFFICE

Grace Tabernacle
ZBA#14-30
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The foregoing resolution to approve the application for the requested front yard and side yard variances was presented and moved by Mr. Feroldi, seconded by Ms. Salomon and carried as follows: Ms. Castelli, aye; Ms. Salomon, aye; Mr. Quinn, aye; and Mr. Feroldi, aye. Mr. Sullivan and Mr. Bosco were absent.

The Administrative Aide to the Board is hereby authorized, directed and empowered to sign this decision and file a certified copy thereof in the office of the Town Clerk.

DATED: May 7, 2014

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

TOWN CLERKS OFFICE
2014 MAY 27 PM 12 16
TOWN OF ORANGETOWN

DECISION

BUILDING HEIGHT VARIANCE APPROVED

To: Donald Brenner (Lewis Ave. Subdivision)
4 Independence Avenue
Tappan, New York 10983

ZBA # 14-31
Date: May 7, 2014

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA:14-31: Application of Lewis Avenue Subdivision for a variance from Chapter 43 (Zoning) of the Code of the Town of Orangetown, RG District, Group Q, Column 12 (Building Height: 13.4' permitted, 20' exists) for an existing house on property that is being subdivided. The premises are located at 227 Main Street, Pearl River, New York and are identified on the Orangetown Tax Map as Section 68.12, Block 1, Lot 51; RG zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, May 7, 2014 at which time the Board made the determination hereinafter set forth.

Donald Brenner, Attorney, Sara Torrens, Attorney, and Jay Greenwell, Land Surveyor, appeared and testified.

The following documents were presented:

1. Subdivision plan dated 01/15/2014 with the latest revision date of 04/14/ 2014 signed and sealed by Jay Greenwell, Land Surveyor. (2 pages)

Ms. Castelli, Acting Chair, 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, Ms. Castelli moved for a Board determination that since the Planning Board noticed its intent to declare itself Lead Agency for this application and distributed those notices 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 SEQRA review on April 9, 2014, rendered environmental determinations of no significant adverse environmental impacts to result from the proposed land use actions (i. e., A "Negative Declaration" or "Neg. Dec."), the ZBA is bound by the Planning Board's Neg Dec and the ZBA cannot require further SEQRA review pursuant to SEQRA Regulations §617.6 (b) (3). The motion was seconded by Ms. Salomon and carried as follows: Ms. Salomon, aye; Ms. Castelli, aye; Mr. Quinn, aye; and Mr. Feroldi, aye. Mr. Sullivan and Mr. Bosco were absent.

Donald Brenner, Attorney, testified that the subdivision has appeared before the Planning Board received a preliminary approval and neg dec on April 9, 2014; that the proposal is to divide an existing lot into two lots and keep the existing house at its present location.

Jay Greenwell, Land Surveyor, testified that the new lot line is the reason the existing house needs a height variance.

TOWN OF ORANGETOWN
2014 MAY 27 PM 12 16

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.

Ms. Castelli 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 building height variance will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The house has existed in its present location for many years, the lot line is changing which is the reason a variance is needed.
2. The requested building height variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The house has existed in its present location for many years, the lot line is changing which is the reason a variance is needed.
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 building height variance is not substantial.
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
2014 MAY 27 PM 12 16
TOWN OF ORANGETOWN

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

TOWN CLERKS OFFICE
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TOWN OF ORANGETOWN

Lewis Avenue Subdivision
ZBA#14-31
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The foregoing resolution to approve the application for the requested building height variance was presented and moved by Ms. Castelli, seconded by Ms. Salomon and carried as follows: Ms. Castelli, aye; Ms. Salomon, aye; Mr. Quinn, aye; and Mr. Feroldi, aye. Mr. Sullivan and Mr. Bosco were absent.

The Administrative Aide to the Board is hereby authorized, directed and empowered to sign this decision and file a certified copy thereof in the office of the Town Clerk.

DATED: May 7, 2014

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

TOWN CLERKS OFFICE
2014 MAY 27 PM 12 17
TOWN OF ORANGETOWN

DECISION

PERFORMANCE STANDARDS APPROVED

To: Bart Rodi (Aluf Plastics)
234 So. Grant Avenue
Congers, New York 10920

ZBA # 14-32
Date: May 7, 2014

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#14-32: Application of Aluf Plastics, Inc. pursuant to Chapter 43 (Zoning) of the Code of the Town of Orangetown, Section 4.1, Use Subject to Performance Standards review with respect to additional Chillers. Premises are located at 3 Glenshaw Street, Orangeburg, New York and are identified on the Orangetown Tax Map as Section 70.18, Block 2, Lot 15; LI zone.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, May 7, 2014 at which time the Board made the determination hereinafter set forth.

Bart Rodi, Engineer, Donald Brenner, Attorney, Sara Torrens, Attorney, and David Anderson, Vice President of Operations, Aluf, appeared and testified.

The following documents were presented:

1. Architectural plans dated 01/28/2014 with the latest revision date of 02/18/ 2014 signed and sealed by Bart Rodi, P.E. (1 page)
2. Spec sheet for 200-Ton Air Cooled Chiller.
3. Performance Standards Resume of Operations
4. Fire Prevention Supplement.
5. Material Safety Data Sheets for 151 items.
6. A letter dated April 15, 2014 from the County of Rockland Department of Health signed by Scott McKane, P.E., Senior Public Health Engineer.
7. A letter dated April 7, 2014 from the Department of Environmental Management and Engineering, Town of Orangetown signed by Joseph J. Moran, P.E., Commissioner.
8. A letter dated April 28, 2014 from the Town of Orangetown Bureau of Fire Prevention signed by Michael B. Bettmann, Chief Fire Inspector.

Ms. Castelli, Acting Chair, 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, Ms. Castelli moved for a Board determination that the foregoing application entails the ZBA engaging in a review to determine compliance with technical requirements, this application is 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. Quinn, aye; and Mr. Feroldi, aye. Mr. Sullivan and Mr. Bosco were absent.

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Bart Rodi testified that that presently there are three chillers that are water cooled; that these chillers are used to cool the equipment that makes the plastic bags; that the new proposed chiller would be cooled like an air conditioner unit; that he can ensure that the noise it generates will be below the Town Noise Ordinance level; that a revised sprinkler plan has been sent to Mike Bettmann and that they will answer all of his concerns.

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.

Ms. Castelli 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 the documents presented, the Board found and concluded that:

Based upon the information contained in the applicant's Resume of Operations and Equipment, the Fire Prevention Supplement, the letter dated April 7, 2014 from Joseph J. Moran, P.E., Commissioner of the Orangetown Department of Environmental Management and Engineering (D.E.M.E.) concluding that there is no reasonable doubt as to the likelihood of applicant's conformance to Zoning Code § 4.1 Performance Standards, and the memorandum dated April 28, 2014 from Michael Bettmann, Chief Fire Inspector, Town of Orangetown Bureau of Fire Prevention (B.F.P.); the other documents presented to the Board and the testimony of applicant's representatives, the Board finds and concludes that conformance with the Performance Standards set forth in Zoning Code Section 4.1 will result sufficient to warrant the issuance of a Building Permit and/or Certificate of Occupancy, subject to compliance with the orders, rules and regulations of the Orangetown Office of Building, Zoning & Planning Administration & Enforcement, DEME, and Orangetown B.F.P., and all other departments having jurisdiction of the premises.

DECISION: In view of the foregoing and the testimony and documents presented, the Board: RESOLVED, that the application for Performance Standards Conformance, pursuant to Zoning Code § 4.1, is APPROVED with the SPECIFIC CONDITION that the applicant adhere to all of the requirements set forth by the Chief Fire Inspector, Town of Orangetown B.F.P. and answer all the questions in Chief Fire Inspector Bettmann's report dated 04/28/2014 in a form acceptable to Chief Fire inspector Bettmann; AND FURTHER RESOLVED, that such decision and the vote thereon shall become effective and be deemed rendered on the date of adoption by the Board of the minutes of which they are a part.

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DECISION: In view of the foregoing and the testimony and documents presented, the Board: RESOLVED, that the application for the requested Performance Standards Conformance, pursuant to Zoning Code § 4.1, is APPROVED with the SPECIFIC CONDITION that the applicant adhere to all of the requirements set forth by the Chief Fire Inspector, Town of Orangetown B.F.P. and answer all the questions in Chief Fire Inspector Bettmann's report dated 04/28/2014 in a form acceptable to Chief Fire inspector Bettmann; and FURTHER RESOLVED, that such decision and the vote thereon shall become effective and be deemed rendered on the date of adoption by the Board of the minutes of which they are a part.

General Conditions:

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

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

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

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

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

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The foregoing resolution to approve the application for the requested Performance Standards Conformance pursuant to Orangetown Zoning Code Section 4.1, with the SPECIFIC CONDITION that the applicant adhere to all of the requirements set forth by the Chief Fire Inspector, Town of Orangetown B.F.P. and answer all the questions in Chief Fire Inspector Bettmann's report dated 04/28/2014 in a form acceptable to Chief Fire inspector Bettmann; was presented and moved by Ms. Castelli, seconded by Ms. Salomon and carried as follows: Ms. Castelli, aye; Ms. Salomon, aye; Mr. Quinn, aye; and Mr. Feroldi, aye. Mr. Sullivan and Mr. Bosco were absent.

The Administrative Aide to the Board is hereby authorized, directed and empowered to sign this decision and file a certified copy thereof in the office of the Town Clerk.

DATED: May 7, 2014

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 -B.vw.

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

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