

**TOWN OF ORANGETOWN
ARCHITECTURE AND COMMUNITY APPEARANCE
BOARD OF REVIEW**

Meeting of April 1, 2008

MEMBERS PRESENT:

Jack Messina, Chairman
James Dodge, Vice Chairman
John Keahon
Thomas Miggie
Larry Vail
Jill Fieldstein
Paul Papay

MEMBER ABSENT: John Keahon

ALSO PRESENT: Barbara Gionta, Deputy Town Attorney, Ann Marie Ambrose, Stenographer and Cheryl Coopersmith, Chief Clerk.

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

Bryne Subdivision Plan

Review of Subdivision Plan
(Pearl River)
69.05/4/41; R-15 zone

**Approved with
Conditions**

ACABOR #08-10

Daikin America Plan

Review of Site Plans
Generator Pad and Fence Plan
(Orangeburg)
73.15/1/15; LIO zone

**Approved with
Conditions**

ACABOR #08-11

A motion was made to adjourn the meeting by Jack Messina and seconded by James Dodge and agreed by all in attendance. The Decisions on the above hearings, which Decisions are made by the Board before the conclusion of the meeting and are mailed to the applicant. The verbatim minutes are not transcribed, but are available. As there was no further business before the Board, the meeting was adjourned at 8:20 P.M. The next ACABOR Meeting is scheduled for **April 15, 2008**.

Dated: April 1, 2008

Cheryl Coopersmith, Chief Clerk

**ARCHITECTURE AND COMMUNITY APPEARANCE
BOARD OF REVIEW DECISION**

**Approved Subject to Conditions
Bryne Subdivision Plan**

**ACABOR #08-10
April 1, 2008
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TO: Donald Brenner, P.E., LL.B.
4 Independence Avenue
Tappan, New York 10983

FROM: Architecture and Community Appearance Board of Review

RE: An application Patrick Byrne, owner, for review of a proposed two lot subdivision to be known as "**Bryne Subdivision Plan**", accordance with Article 16 of the Town Law of the State of New York and Chapter 2 of the Code of the Town of Orangetown. The site is located on Ehrhardt Road, Pearl River, Town of Orangetown, Rockland County, New York and as shown on the Orangetown Tax Map as Section 69.05, Block 4, Lot 41, in the R-15 zoning district.

Heard by the Architecture and Community Appearance Board of Review of the Town of Orangetown at a meeting held Tuesday, **April 1, 2008**, at which time the Board made the following determinations.

Donald Brenner appeared and testified. The Board received the following items:

1. Subdivision Plan prepared by Jay Greenwell, PLS, dated November 28, 2006, last revised March 4, 2008.
2. Copies of PB #07-25, dated March 14, 2007, Preliminary Approval Approved Subject to Conditions and ZBA #07-116, Approved with Conditions, dated December 5, 2007.

FINDINGS OF FACT:

1. The Board found that this application is reviewing only the subdivision of property and not reviewing or approving site or architectural plans.
2. The Board found that the individual sites and houses would be reviewed at the time each lot would be developed.
3. The Board found that there was a 44 inch maple tree on proposed Lot #1. The Board requested that the tree not be disturbed while installing the sanitary sewer, possibly moving the sewer towards the roadway. The Applicant noted that it depended upon the requirements of the separation distances of the utilities.
4. The Board found that the Town of Orangetown Zoning Board of Appeals required the applicant to install a drainage system, along the northern property line of proposed Lot #1.

Public Comments:

Ann O'Meara, 268 Ehrhardt Road, Pearl River, opposed development on the property, and read a letter into the record. She was against the removal of trees from the site.

Nancy Aufenanger, 264 Ehrhardt Road, Pearl River, raised concerns regarding the impact of the removal of trees from the project site and its influence on her property. She read a letter into the record describing the historical impact of the adjacent property on her life, home ownership and property.

DECISION: In view of the foregoing and the testimony before the Board, the application was **APPROVED WITH THE FOLLOWING CONDITIONS:**

1. Due to the requirements of ZBA #07-116, some trees along the northern property line shall be removed due to the installation of a Drainage System. Otherwise, no trees shall be removed from the property, prior to returning to ACABOR for review and approval of construction on the site.
2. Prior to any construction, grading or removal of trees on the site, the applicant must return to ACABOR for review and approval of any construction on the site.
3. This application is reviewing only the subdivision of property and not reviewing or approving site or architectural plans.
4. Trees to be saved shall be protected with snow fencing to the drip line during construction
5. No grading is to take place within five feet of any property line, except as specified on the approved site plan.
6. The applicant shall comply with the requirements of Section 21-25 of the Town of Orangetown Shade Tree Ordinance.

The foregoing resolution was presented and moved by Thomas Miggie, and seconded by Jack Messina carried as follows: James Dodge, aye; John Keahon, absent; Jack Messina, aye; Thomas Miggie, aye; Larry Vail, aye; Paul Papay, aye and Jill Fieldstein, aye.

The Clerk to the Board is hereby authorized, directed and empowered to sign this Decision and file a certified copy in the Office of the Town Clerk and the Office of the Architecture and Community Appearance Board of Review.

Dated: April 1, 2008

Architecture and Community Appearance Board of Review

**ARCHITECTURE AND COMMUNITY APPEARANCE
BOARD OF REVIEW DECISION**

**Daikin America Plans
Generator Pad and Fence/Site Plan
Approved Subject to Conditions**

**ACABOR #08-11
April 1, 2008
Page 1 of 2**

TO: Barbara Hess, R.A.
254 Sickletown Road
West Nyack, New York 10994

FROM: Architecture and Community Appearance Board of Review

RE: The application of Daikin America, Inc., to review a Concrete Pad and Fence for a Generator Pad Site Plan at a site known as "**Daikin America Plans**", in accordance with Article 16 of the Town Law of the State of New York and Chapter 2 of the Code of the Town of Orangetown. The site is located at 20 Olympic Drive, Orangeburg, Town of Orangetown, Rockland County, New York and as shown on the Orangetown Tax Map as Section 73.15, Block 1, Lot 15, in the LIO zoning district.

Heard by the Architecture and Community Appearance Board of Review of the Town of Orangetown at a meeting held Tuesday, **April 1, 2008**, at which time the Board made the following determinations:

Wayne Klingman and Dominick Perglin appeared and testified. The Board received the following items:

1. Copy of Site Plan prepared by Jay Greenwell, PLS, dated June 14, 1993, last revised November 5, 2001.
2. Generator Plan Location Plan prepared by Hess Architects, dated January 21, 2008.
3. Generator and Engine Specifications, prepared by Generator Power Systems, Inc., for SD135 and SD 150, Bulletin dated 2.06, rev: 5.07
4. Submitted at the meeting by the applicant, photographs of the site.

FINDINGS OF FACT:

1. The Board found that there would be no additional lighting on the site. The generator would not be visible from Olympic Drive.
2. The Board found that the submitted photographs noted the proposed location of the generator on the site.
3. The Board found the fence acceptance and that it would have a gate and screening.

DECISION: In view of the foregoing and the testimony before the Board, the application was **APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:**

1. There shall be no additional lighting on the site.
2. Trees to be saved shall be protected with snow fencing to the drip line during construction.
3. No grading is to take place within five feet of any property line, except as specified on the approved site plan.

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**Daikin America Plans
Generator Pad and Fence/Site Plan
Approved Subject to Conditions**

**ACABOR #08-11
April 1, 2008**

The foregoing resolution was presented and moved by James Dodge and seconded by Jack Messina and carried as follows: James Dodge, aye; John Keahon, absent; Thomas Miggie, aye, Jack Messina, aye; Paul Papay, aye, Jill Fieldstein and Larry Vail, aye.

The Clerk to the Board is hereby authorized, directed and empowered to sign this Decision and file a certified copy in the Office of the Town Clerk and the Office of the Architecture and Community Appearance Board of Review.

Dated: April 1, 2008

Architecture and Community Appearance Board of Review