

TOWN OF ORANGETOWN ARCHITECTURE AND COMMUNITY APPEARANCE BOARD OF REVIEW - MEETING OF JULY 7, 2009

MEMBERS PRESENT: Jack Messina, Chairperson; James Dodge; Vice Chairperson; Larry Vail; Dan Sherman; Jill Fieldstein; Thomas Miggie and Paul Papay

MEMBER ABSENT: Jack Messina, Chairperson

ALSO PRESENT: Barbara Gionta, Deputy Town Attorney; Ann Marie Ambrose, Stenographer and Gina Raymond, Clerk

James Dodge, Vice -Chairperson, called the meeting to order at 7:30 p.m. 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.

Marzec Plans

Review of Site/Structure Plans
69.09/5/45; R-15 zoning district

**Approved with
Conditions**

ACABOR #09-22

CONSULTATION:

Orangeburg Racquet Club Plan
Formation of a Landscaping
Remediation Plan/ Amendment to
the Landscaping Plan
77.05/1/1; LI0 zoning district

Consultation

ACABOR #09-21

A motion was made to adjourn the meeting by James Dodge and seconded by Thomas Miggie 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 9:30.p.m. The next ACABOR Meeting is scheduled for July 21, 2009.

Dated: July 7, 2009

Town of Orangetown

Architecture and Community Appearance Board of Review

ACABOR #09-22 - Marzec Plans Approved with Conditions; Review of Site/Structure Plans

TOWN OF ORANGETOWN ARCHITECTURE AND COMMUNITY APPEARANCE BOARD OF REVIEW DECISION

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TO: Norine Marzec, 18 Douglas Court, Pearl River, New York, 10965
FROM: Architecture and Community Appearance Board of Review
RE: The application of Norine Smith & Peter Marzec, owners, for review of Site and Structure Plans for a site known as "**Marzec 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 18 Douglas Court, Pearl River, Town of Orangetown, Rockland County, New York and as shown on the Orangetown Tax Map as Section 69.09, Block 5, Lot 45, 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, July 7, 2009**, at which time the Board made the following determinations:

Norine and Peter Marzec appeared and testified for the applicant.

The Board received the following items:

1. Existing Conditions Land Survey prepared Robert Sorace, PLS, dated October 27, 2008.
2. Site Plan Replacement Dwelling Plan prepared Robert Sorace, PLS, dated October 27, 2008, revised May 13, 2009.
3. Proposed Landscaping Plan, undated, and unsigned.
4. .Architectural Plan prepared by Westchester Modular Homes, signed by Anthony S. Pisarri, R.A., dated September 3, 2008, last revised May 21, 2009:
 - Page 0: Cover Sheet
 - Page 1: Elevations
 - Page 2: Foundation Plan
 - Page 3A: First Floor Plan
 - Page 3B: Second Floor Plan

FINDINGS OF FACT:

1. The Board found that the facade would have four sides of vinyl siding in natural clay manufactured by Certainteed with white trim. The roof would have shingles manufactured by Owens Corning in Estate Grey color. The Board gave the applicant the option of using wrought iron or pressure treated wood railing at the front door. The garage doors would have small windows with a light on top, which would be in a white color.

ACABOR #09-22 - Marzec Plans Approved with Conditions; Review of Site/Structure Plans
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2. The Board found that site would have concrete or keystone pavers coming down the left side of the house.
3. The Board found that the retaining wall for the driveway would be finished in either concrete stone faced or light grey keystone.
4. The Board found that the exterior lighting would not shine out and would be down lighting.
5. The Board found that the air conditioning units would be placed behind the chimney.

No Public Comment

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

1. The facade shall have four sides of vinyl siding in natural clay manufactured by Certainteed with white trim. The roof shall have shingles manufactured by Owens Corning in Estate Grey color. The Board gave the applicant the option of using wrought iron or pressure treated wood railing at the front door. The garage doors will have small windows with a light on top, which will be in a white color.
2. The site will have concrete or keystone pavers coming down the left side of the house
3. The retaining wall for the driveway will be finished in either concrete stone faced or light grey keystone.
4. The exterior lighting will not shine out and will be down lighting.
5. The air conditioning units will be placed behind the chimney.
6. Trees to be saved shall be protected with snow fencing to the drip line during construction.
7. No grading is to take place within five feet of any property line, except as specified on the approved site plan.
8. 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 Larry Vail and carried as follows: James Dodge, aye; Dan Sherman, aye; Thomas Miggie, aye, Jack Messina, absent, Jill Fieldstein, aye; Paul Papay, aye 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: July 7, 2009
Town of Orangetown
Architecture and Community Appearance Board of Review.

**ACABOR #09-21 - Orangeburg Racquet Club Plans- CONSULTATION
Formation of a Landscaping Remediation Plan/ Amendment to the
Landscaping Plan**

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

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TO: Donald Brenner, Esq.; 4 Independence Avenue; Tappan, New York 10983
FROM: Architecture and Community Appearance Board of Review

RE: **Orangeburg Racquet Club Plan:** The application of the Pyramid Construction Group, LLC, owner, for **Consultation** on the formation of a Landscaping Remediation Plan/Amendment to the Landscaping Plan, for a site to be known as "Orangeburg Racquet Club Plan", 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 Ramland Road South, Orangeburg, Town of Orangetown, Rockland County, New York and as shown on the Orangetown Tax Map as Section 77.05, Block 1, Lot 1 in the LIO zoning district.

Heard by the Planning Board of the Town of Orangetown at meetings held **June 16 and July 7, 2009**, at which time the Board made the following determinations:

June 16, 2009

Donald Brenner and Robert Butwin appeared and testified for the applicant. The Board received the following items:

1. A copy of a letter from the Town of Orangetown Office of Building, Zoning and Planning Administration and Enforcement, signed by Edward McPherson, Code Enforcement Officer, dated April 22, 2009.
2. A copy of a letter from an abutting property owner, to the Orangeburg Racquet Club, from Yong Won and Choo Ja Kang, dated April 29, 2009.
3. A copy of a letter from the Town of Orangetown Office of Building, Zoning and Planning Administration and Enforcement, signed by John Giardillo, P.E., Director, dated June 4, 2009, with an attachment of a letter from pyramid Construction Group, LLC, signed by Robert Butwin, dated June 3, 2009.
4. A copy of a letter from the Town of Orangetown Office of Building, Zoning and Planning Administration and Enforcement, signed by John Giardillo, P.E., Director, dated June 9, 2009.
5. A letter from Linda Salzhauer, an abutting property owner, dated June 12, 2009.
6. SP-3: Lighting and Landscaping Plan: Orangeburg Racquet Club Plan., last revised April 2, 2009.

ACABOR #09-21 - Orangeburg Racquet Club Plans- CONSULTATION

Formation of a Landscaping Remediation Plan/ Amendment to the Landscaping Plan

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FINDINGS OF FACT:

1. The Board found that the applicant had a different opinion regarding the trees and vegetation that were disturbed on the site. The Board asked that the applicant reappear with a survey of the site noting trees/vegetation that need to be revegetated. The Board asked that photographs and any type of evidence be submitted by the applicant and others be submitted to the Board.

PUBLIC COMMENTS:

David Asher, attorney representing Crispini, abutting property owners, stated that the trees on the site behind his client's house were removed. He wants a stop work order and will contact the Town of Orangetown Code Enforcement Officer.

Linda Salzhauer, 165 Cowpens Drive, read from her letter that was submitted to the Board, opposing the removal of the vegetative buffer.

Choo Ja Kang, Cowpens Drive, raised concerns regarding the removal of trees behind her property and wanted to know if the area would be replanted.

Lester Cohen, 167 Cowpens Drive, stated that when the development was being planned and the discussion was about clearing the site, no one anticipated that clearing the site would result in seeing the cell tower and Puccini property. He recommended that the Board should look into further impacts to the surrounding community.

Beth DeCoursey, 9 Tory Circle, wanted to know who would patrol the development of the site.

Michael Sullivan, 10 Red Coat Lane, wanted to know how to project against further construction occurring that is not in accordance with the plan.

The applicant requested a CONTINUATION in order to fulfill the requests of the Board.

July 7, 2009

Donald Brenner and Robert Butwin appeared and testified for the applicant. The Board received the following items:

1. A survey of the property prepared by James E. Drum, PLS, dated April 17, 2009

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Formation of a Landscaping Remediation Plan/ Amendment to the
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FINDINGS OF FACT:

1. The Board found that in the area of the triangle adjacent to the retention basin, the applicant should plant three Norway Spruce trees, 8 to 10 feet tall.
2. The Board found that they had originally required 55 arborvitae specified in the area of the turn around on the approved plan. At the meeting it was suggested that 40 of the arborvitae be planted along the property line in a staggered row at 4' to 6' on center minimum, each tree should be a minimum of 8 feet tall. The other 15 trees should be planted around the turn around, planted 4' to 6' on center minimum, each tree shall be a minimum of 8 feet tall. The arborvitae the Board would prefer are the varieties called Green Giant and Ellegantissima. That is 'Thuja plicata 'Green Giant' and Thuja plicata 'elegantissima'. They are noted to be deer resistant. The one on the plant list, Thuja occidentalis 'nigra' or the Dark American arborvitae is very vulnerable to deer browsing.

PUBLIC COMMENTS:

David Asher, attorney representing Crispini, abutting property owners, raised issue with the site plan.

Kimberly Cripini, abutting property owner, raised concerns regarding the types and size of plantings.

Choo Ja Kang, Cowpens Drive, raised concerns regarding the size of proposed trees and running water behind her house.

CONSULTATION: In view of the foregoing and the testimony before the Board, the **Board PROVIDED THE APPLICATION WITH THE FOLLOWING COMMENTS:**

1. The applicant shall make a formal application to the Town of Orangetown Architecture and Community Appearance Board of Review for a Landscaping Remediation Plan/Amendment to the Landscaping Plan, for the project site as reviewed and comments recommended as follows:

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- a. The area of the triangle adjacent to the retention basin, the applicant shall plant three Norway Spruce trees, 8 to 10 feet tall.
- b. The Board had originally required 55 arborvitae specified in the area of the turn around on the approved plan. At the meeting it was recommended that 40 of the arborvitae be planted along the property line in two staggered rows at 6' on center minimum, each tree shall be a minimum of 8 feet tall. The other 15 trees shall be planted around the turn around, planted at 6' on center minimum, each tree shall be a minimum of 8 feet tall. The arborvitae the Board would prefer are the varieties called Green Giant and Elengantissima. That is 'Thuja plicata 'Green Giant' and Thuja plicata 'elegantissima'. They are noted to be deer resistant. The one on the plant list, Thuja occidentalis 'nigra' or the Dark American arborvitae is very vulnerable to deer browsing.

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

**Dated: July 7, 2009, Town of Orangetown
Architecture and Community Appearance Board of Review**