

TOWN OF ORANGETOWN ARCHITECTURE AND COMMUNITY APPEARANCE BOARD OF REVIEW - MEETING OF SEPTEMBER 22, 2009

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

MEMBER ABSENT: Thomas Miggie

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

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

Chestnut Petroleum Distributor Plans	Approved	ACABOR #09-31
Review of Site/Structure Plans	Subject to	
74.10/1/68; CS zoning district	Conditions	

Kennedy Plans	Approved	ACABOR #09-32
Review of Site/Structure Plans	Subject to	
66.17/1/11; R-22 zoning district	Conditions	

Continued from the September 8, 2009 Meeting:		
Orangeburg Racquet Club Plan	Approved	ACABOR #09-29
Landscaping Remediation Plan/ Amendment to the Landscaping Plan	Subject to	
77.05/1/1; LI0 zoning district	Conditions	

A motion was made to adjourn the meeting by Jack Messina and seconded by Dan Sherman 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 8:50 p.m. The next ACABOR Meeting is scheduled for October 6, 2009.

Dated: September 22, 2009
Town of Orangetown
Architecture and Community Appearance Board of Review

ACABOR #09-31- Chestnut Petroleum Distributors Plans - Approved with Conditions; Review of Site/Structure Plans

TOWN OF ORANGETOWN ARCHITECTURE AND COMMUNITY APPEARANCE BOARD OF REVIEW DECISION

September 22, 2009
Page 1 of 3

TO: **Ciro Interrante, R.A., 85 Market Street, Poughkeepsie, New York, 12550**
FROM: **Architecture and Community Appearance Board of Review**

RE: Chestnut Petroleum Distributors Plans: Application of Mickey Jamal, applicant, for Stella Baum, owner for Review of a proposed Site Plan/Structure to be known as "Chestnut Petroleum Distributors Plans", in accordance with Article 16 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 75 Dutch Hill Road, Orangeburg, New York; east side of Dutch Hill Road, 200 feet south of the intersection of Orangeburg Road and Dutch Hill Road, Orangeburg, New York. Tax Map Numbers: 74.10/1/68; CS zoning district.

Heard by the Architecture and Community Appearance Board of Review of the Town of Orangetown at a meeting held **Tuesday, September 22, 2009**, at which time the Board made the following determinations:

Ciro Interrante appeared and testified for the applicant.

The Board received the following items:

1. Plans prepared by **Ciro Interrante, R.A.**, dated **March 27, 2008**, last revised **July 23, 2009**: **SP-1** and **A-1**.
2. A Project Narrative entitled "Proposed New Convenience Store" prepared by **Ciro Interrante, Architect**, dated **October 31, 2008**.
3. Copies of **PB #08-55, ACABOR Consultation**, dated **December 2, 2008**, **PB #09-23, Planning Board Preliminary Approval subject to Conditions**, dated **July 22, 2009**, and **ZBA #09-39, Approved with Conditions**, dated **September 9, 2009**.

FINDINGS OF FACT:

1. The Board found that the existing building will be removed, a new structure will be constructed and the site will be landscaped. The curbing around the perimeter of the site will be reworked and the trees in the grass medium at the front of the site will remain.
2. The Board found that the wall noted on the Site Plan will be constructed of new concrete block and painted.

ACABOR #09-31- Chestnut Petroleum Distributors Plans -Approved with Conditions; Review of Site/Structure Plans

TOWN OF ORANGETOWN ARCHITECTURE AND COMMUNITY APPEARANCE BOARD OF REVIEW DECISION

September 22, 2009

Page 2 of 3

3. The Board found that the signage noted on the architectural plans may not be part of the application and should be reviewed by the Town of Orangetown Building Department to determine if a separate Building Permit is required.
4. The Board found that the building will have four sides of vinyl siding. The architectural plans note that the siding materials as Hardi Plank. The plans shall be revised to note the correct façade materials.
5. The Board found that the first story of the proposed structure would have horizontal vinyl siding in Cypress color, manufactured by Certainteed Monogram. The second level would be sided in Cedar Impressions Naturals, also manufactured by Certainteed in Cypress color. The roof would be Slate color, manufactured by GAF and the doors would be white. The lighting on the structure would be safety lighting.

The hearing was then opened to the Public. There being no one to be heard from the public, the Public Hearing portion of the meeting was closed.

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

1. The signage noted on the architectural plans may not be part of the application and shall be reviewed by the Town of Orangetown Building Department to determine if a separate Building Permit is required
2. The building will have four sides of vinyl siding. The architectural plans note that the siding materials as Hardi Plank. The plans shall be revised to note the correct façade materials.
3. The first story of the proposed structure will have horizontal vinyl siding in Cypress color, manufactured by Certainteed Monogram. The second level will be sided in Cedar Impressions Naturals, also manufactured by Certainteed in the Cypress color. The roof will be Slate color, manufactured by GAF and the doors will be white. The lighting on the structure will be safety lighting.
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.

**ACABOR #09-31- Chestnut Petroleum Distributors Plans -Approved with
Conditions; Review of Site/Structure Plans**

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

**September 22, 2009
Page 3 of 3**

The foregoing resolution was presented and moved by Jack Messina and seconded by Larry Vail and carried as follows: James Dodge, aye; Dan Sherman, aye; Thomas Miggie, absent, Jack Messina, aye, 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: September 22, 2009
Town of Orangetown
Architecture and Community Appearance Board of Review.**

ACABOR #09-32 – Kennedy Plans- Approved with Conditions; Review of Site/Structure Plans (Critical Environmental Area)

TOWN OF ORANGETOWN ARCHITECTURE AND COMMUNITY APPEARANCE BOARD OF REVIEW DECISION

September 22, 2009
Page 1 of 2

TO: Robert Silarski, 57 Burd Street, Nyack, New York, 10960
FROM: Architecture and Community Appearance Board of Review

RE: Kennedy Plans: Application of Robert Silarski, applicant, for Steve and Loni Kennedy, owners for Review of Site/Structure Plans for a site to be known as “Kennedy Plans”, located in the Critical Environmental Area, 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 23 Shadyside Avenue, Upper Grandview, New York. Tax Map Numbers: Section 66.17, Block 1, Lot 11; in the R-22 zoning district.

Heard by the Architecture and Community Appearance Board of Review of the Town of Orangetown at a meeting held **Tuesday, September 22, 2009**, at which time the Board made the following determinations:

Robert Silarski appeared and testified for the applicant.

The Board received the following items:

1. Plans prepared by S & Co. Architecture & Design, dated March 17, 2009, last revised on August 20, 2009:
 - A-101: Site Plan
 - A-102: Foundation Plan
 - A-103: Floor Plans
 - A-201: South Elevation
 - A-202: East & North Elevations
 - A-301: Section
 - A-401: Interior Elevations
 - E-101: RCP & Power Plan

2. Board Decisions: ZBA #09-33, Side Yard Variance Approved, dated June 3, 2009 and PB #09-31, Preliminary Site Plan Approval Subject to Conditions, dated May 27, 2009.

FINDINGS OF FACT:

1. The Board found that the applicant proposed to an addition to the existing house, extending the “Den” portion of the house.
2. The Board found that the siding and materials for the proposed house addition would match the existing house.
3. The Board found that no existing vegetation would be disturbed.

ACABOR #09-32 – Kennedy Plans- Approved with Conditions; Review of Site/Structure Plans; (Critical Environmental Area)

TOWN OF ORANGETOWN ARCHITECTURE AND COMMUNITY APPEARANCE BOARD OF REVIEW DECISION

September 22, 2009
Page 2 of 2

The hearing was then opened to the Public. There being no one to be heard from the public, the Public Hearing portion of the meeting was closed.

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

1. The siding and materials for the proposed house addition would match the existing house.
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.

The foregoing resolution was presented and moved by James Dodge and seconded by Jack Messina and carried as follows: James Dodge, aye; Dan Sherman, aye; Thomas Miggie, absent, Jack Messina, aye, 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: September 22, 2009
Town of Orangetown
Architecture and Community Appearance Board of Review.

ACABOR #09-29 - Orangeburg Racquet Club Plans- Approved with Conditions; Landscaping Remediation Plan/ Amendment to the Landscaping Plan

TOWN OF ORANGETOWN ARCHITECTURE AND COMMUNITY APPEARANCE BOARD OF REVIEW

September 22, 2009
Page 1 of 3

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 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 **September 8 and 22, 2009**, at which time the Board made the following determinations:

September 8, 2009

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

1. A copy of a letter to Brad Coleman, Orangeburg Tennis, LLC, from Edward McPherson, Code Enforcement Officer, Town of Orangetown, Office of Building, Zoning, Planning Administration and Enforcement, dated April 22, 2009.
2. Lighting and Landscaping Plan - SP-3: Orangeburg Racquet Club Plan., dated January 16, 2008, last revised July 8, 2009.
3. ACABOR #09-21 - Orangeburg Racquet Club Plans-CONSULTATION, dated July 7, 2009 and ACABOR #08-42, Approved Subject to Conditions, dated October 7, 2008.

The applicant requested a CONTINUATION to the September 22, 2009 meeting.

ACABOR #09-29 - Orangeburg Racquet Club Plans- Approved with Conditions; Landscaping Remediation Plan/ Amendment to the Landscaping Plan

TOWN OF ORANGETOWN ARCHITECTURE AND COMMUNITY APPEARANCE BOARD OF REVIEW

September 22, 2009
Page 2 of 3

September 22, 2009

Donald Brenner and Robert Butwin appeared and testified for the applicant.

FINDINGS OF FACT:

1. The Board found that the applicant had appeared in front of the Architectural and Community Appearance Board as a Consultation on July 7, 2009, ACABOR #09-21, as a result of an inspection by a Code Enforcement Officer's visit to the site and a follow up letter to the applicant dated April 22, 2009. The letter, signed by Edward McPherson, requested the Applicant to appear before ACABOR for a Landscape Remediation Plan to remediate an incursion into the portion of the lot as shown on the Site Plan as "Existing Vegetation to Remain Undisturbed."
2. The Board found that at the July 7, 2009 Consultation, the Board and the Applicant also discussed placement of trees around a T-turn around adjacent to the building, which was required by the Tappan Fire Company
3. The Board found that the applicant prepared a Landscape Remediation Plan in accordance with the Consultation of July 7, 2009:
 - a. In the area of the triangle adjacent to the retention basin 3 additional Norway Spruce trees will be planted, each tree shall be a minimum of 8 to 10 feet tall, planted 4 feet on center.

PUBLIC COMMENTS:

Lester Cohen, 167 Cowpens Drive, requested information regarding site details and wanted to make the Board aware that abutting property owners were being informed to contact the Town Building Department after trees were removed, rather than prior to the removal of trees.

Choo Ja Kang, Cowpens Drive, raised concerns regarding the removal of trees behind her property, drainage and security.

There being no one else requesting to be heard from the public, the Public Hearing portion of the meeting was closed.

**ACABOR #09-29 - Orangeburg Racquet Club Plans- Approved with
Conditions; Landscaping Remediation Plan/ Amendment to the
Landscaping Plan**

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

**September 22, 2009
Page 3 of 3**

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

1. In the area of the triangle adjacent to the retention basin, and as Edward McPherson, Code Enforcement Officer, Town of Orangetown, Office of Building, Zoning, Planning Administration and Enforcement, identified in his letter of dated April 22, 2009, the applicant shall plant three Norway Spruce trees, 8 to 10 feet tall, planted 4 feet on center. The applicant shall refer to the plan initialed by the Applicant and Chairperson of ACABOR at the September 22, 2009 Meeting.
2. In regards to the Fire Department T-Turn Around area, 15 trees shall be planted at 6' on center minimum, each tree shall be a minimum of 8 feet tall, as noted on the plan initialed by the Applicant and Chairperson of ACABOR at the September 22, 2009 Meeting. The arborvitae the Board would prefer are the varieties called Green Giant and Elegantissima. 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 foregoing resolution was presented and moved by Dan Sherman and seconded by Jack Messina and carried as follows: James Dodge, aye; Dan Sherman, aye; Thomas Miggie, absent, Jack Messina, aye, 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: September 22, 2009, Town of Orangetown
Architecture and Community Appearance Board of Review**

