

TOWN OF ORANGETOWN ARCHITECTURE AND COMMUNITY APPEARANCE BOARD OF REVIEW - MEETING OF SEPTEMBER 8, 2009

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

MEMBER ABSENT: James Dodge; Vice Chairperson, Thomas Miggie
Dan Sherman (departed meeting at 8:00 p.m.)

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.

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|---|---|----------------------|
| Smith Plans Review of Site/Structure Plans 69.06/2/15; R-15 zoning district | Approved Subject to Conditions | ACABOR #09-23 |
| Art Student League Plans Review of Site/Structure Plans 74.16/1/9 and 75.13/1/1; R-40 zoning district | Approved Subject to Conditions | ACABOR #09-26 |
| Holiday Inn Plans Review of Lighting Plan -Building Front and Sconces 74.11/2/25, CC zoning district | Approved Subject to Conditions | ACABOR #09-27 |
| Tri-Bee LTD Plans Review of Loading Dock Enclosure Plans 68.20/1/1.3; LI zoning district | Approved Subject to Conditions | ACABOR #09-28 |
| Orangeburg Racquet Club Plan Landscaping Remediation Plan/ Amendment to the Landscaping Plan 77.05/1/1; LI0 zoning district | Continued to the September 22nd Meeting | ACABOR #09-29 |
| Biondi Plans Review of Amendment to ACABOR #07-04; January 16, 2007 Critical Environmental Area 75.05/1/13; R-22 zoning district | Approved Subject to Conditions | ACABOR #09-30 |

A motion was made to adjourn the meeting by Paul Papay and seconded by Larry Vail 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 8:45 p.m. The next ACABOR Meeting is scheduled for September 22, 2009.

Dated: September 8, 2009
Town of Orangetown
Architecture and Community Appearance Board of Review

ACABOR #09-23 - Smith Plans Approved with Conditions; Review of Site/Structure Plans

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TO: Robert Smith, 19 Veterans Parkway, Pearl River, New York, 10965
FROM: Architecture and Community Appearance Board of Review
RE: **Smith Plans:** The application of Robert Smith, owner, for Review of a new Site/Structure at a site to be known as "Smith 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 54 Cara Drive, Pearl River, Town of Orangetown, Rockland County, New York and as shown on the Orangetown Tax Map as Section 69.06, Block 2, Lot 15 in the R-15 zoning district.

Heard by the Architecture and Community Appearance Board of Review of the Town of Orangetown at meetings held **Tuesday, July 21 and September 8 2009**, at which time the Board made the following determinations:

July 21, 2009

Maureen and Robert Smith appeared and testified.

The Board received the following items:

1. Boundary & Topographic Survey prepared James Drumm, PLS, dated June 23, 2009.
2. Plot Plan prepared Thomas W. Skrable, P.E., dated June 29, 2009.
3. Architectural Plans prepared by Future Home Technology, Inc., signed by Jan Asong, R.A., last revision date of June 5, 2009.

FINDINGS OF FACT:

1. The Board found that the basic footprint of the existing house was being used by the construction of the new house, and there would be minimal site disturbance. The site consisted of existing mature trees.
2. The Board found that the proposed house had four facades of Hardiplank siding in Monterey Taupe color with Navajo Beige trim. The roof would be in Drift Wood color, manufactured by Owens Corning. The window frame trim would be in Navajo Beige color and the entry door would be in Moroccan Spice (a reddish color). The garage doors would be in a Carriage style with windows, in Navajo Beige color. The applicant shall revise the plans to note the windows in the garage doors.

ACABOR #09-23 - Smith Plans Approved with Conditions; Review of Site/Structure Plans

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3. The Board found that the applicant requested to place a brick chimney on the house and needed to revise the plans noting the chimney. In addition, a cupola may be added to the top of the garage and needs to be reviewed by the Board.
4. The Board found that three exterior carriage style lights will be placed on either side of the front door and over the garage door.
5. The Board found that pavers/stone stairs would be placed at the house entryway.
6. The Board found that the air conditioner unit would be in the rear of the house and surrounded by arborvitae trees.

The hearing was then opened to the Public. There were No Public Comments.

The applicant requested a **CONTINUATION**.

September 8, 2009

Maureen and Robert Smith appeared and testified for the applicant.

The Board received the following items:

1. Front Elevation of House noting the Brick Chimney and Garage with windows.
2. Left, Right and Rear Elevations of House, noting Brick Chimney.

FINDINGS OF FACT:

1. The Board found that the proposed chimney and garage door design were acceptable as shown on the submitted house elevations.
2. The Board found that the applicant decided not to add the garage cupola at this time.

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 facade shall have four facades of Hardiplank siding in Monterey Taupe color with Navajo Beige trim. The roof will be in Drift Wood color, manufactured by Owens Corning. The window frame trim will be in Navajo Beige color and the entry door will be in Moroccan Spice (a reddish color). The garage doors will be in a Carriage style with windows, in Navajo Beige color.

ACABOR #09-23 - Smith Plans Approved with Conditions; Review of Site/Structure Plans

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2. The proposed chimney noted on the house elevations is acceptable.
3. Three exterior carriage style lights will be placed on either side of the front door and over the garage door
4. Pavers/stone stairs will be placed at the house entryway.
5. The air conditioner unit will be in the rear of the house and surrounded by arborvitae trees.
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 applicant selected River Birch trees.

The foregoing resolution was presented and moved by Jill Fieldstein and seconded by Jack Messina and carried as follows: James Dodge, absent; 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 8, 2009
Town of Orangetown
Architecture and Community Appearance Board of Review.**

**ACABOR #09-26 - Art Student League Plans - Approved with Conditions;
Review of the Site/Structure**

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TO: Walter Aurell, 171 Kings Highway, Blauvelt, New York, 10913
FROM: Architecture and Community Appearance Board of Review
RE: **Art Student League Plans:** The application of Walter Aurell, applicant for the Art Student League, owner, for Review of a Site/Structure for a new building at a site known as "Art Student League 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 221 & 241 Kings Highway; Sparkill, Town of Orangetown, Rockland County, New York and as shown on the Orangetown Tax Map as Section 74.16, Block 1, Lot 9 & Section 75.13, Block 1, Lot 1 in the R-40 zoning district.

Heard by the Architecture and Community Appearance Board of Review of the Town of Orangetown at a meeting held **Tuesday, September 8, 2009**, at which time the Board made the following determinations:

Walter Aurell appeared and testified for the applicant.

The Board received the following items:

1. Site Survey prepared by Atzl, Scatassa & Zigler, dated October 13, 2008.
2. Architectural Plans prepared by Colgan Perry Lawler Aurell Architects dated August 22, 2008, last revision date of May 26, 2009:
 - a. Drawing 1: Foundation Plan
 - b. Drawing 2: Floor Plan
 - c. Drawing 3: Elevations
 - d. Drawing 4: Sections & Elevations
 - e. Drawing 5: Wall Sections
 - f. Drawing 6: Sections
 - g. Drawing 7: Miscellaneous Details
 - h. Drawing 1M: Floor Plan Mechanical
3. A copy of PB #09-37, Preliminary Site Plan Approval Subject to Conditions, Neg. Dec., dated June 24, 2009 and ZBA #09-35, Variance Approved from Chapter 43, R-40 District, Section 3.11 (Uses: Not a Use Permitted by Right), applicant is proposing new temporary residence/studios for four visiting artists in a 2100 sq. ft. wood frame building, dated July 1, 2009.

**ACABOR #09-26 - Art Student League Plans - Approved with Conditions;
Review of the Site/Structure**

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FINDINGS OF FACT:

1. The Board found that the applicant presented a scaled model of the building.
2. The Board found that the proposed building would be used for temporary housing for four visiting artists for two months at a time. The building includes living space as well as studio space.
3. The Board found that the building would be of wood construction. The siding would be Vertical Wood Siding – scored Plywood in Board and Batten style, stained in Cabot Black Semi Solid Stain and one side would have horizontal metal inserts that match the Metal Sales in Galvelume 41 roofing. The trim would also be constructed in wood and stained in a Sunset color. The fascia and railing would be natural wood, stained to a natural color. The roof would be a metal roof, manufactured by Metal Sales in Galvelume 41. The porch roof would be corrugated polycarbonate. The pylons under the structure would be stained to match the dark exterior of the building. The structure would have a wood sided mechanical enclosure.
4. The Board found that the exterior lighting would be minimal, with an entry door light at each residence and possibly a safety flood light on the building.
5. The Board found that the applicant went to great lengths in placing the building so not to remove trees and any trees that are to be removed are either saplings or unhealthy trees.

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 structure will of wood construction. The siding will be Vertical Wood Siding – scored Plywood with Board and Batten style, stained in Cabot Black Semi Solid Stain and one side would have horizontal metal inserts that match the Metal Sales in Galvelume 41 roofing. The trim will also be constructed in wood and stained in a Sunset color. The fascia and railing will be natural wood, stained to a natural color. The roof will be a metal roof, manufactured by Metal Sales in Galvelume 41. The porch roof will be corrugated polycarbonate. The pylons under the structure will be stained to match the dark exterior of the building. The structure will have a wood sided mechanical enclosure.

**ACABOR #09-26 - Art Student League Plans - Approved with Conditions;
Review of the Site/Structure**

**TOWN OF ORANGETOWN - ARCHITECTURE AND COMMUNITY
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2. The exterior lighting will be minimal, with an entry door light at each residence and possibly a safety flood light on the building.
3. Trees to be saved shall be protected with snow fencing to the drip line during construction
4. 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 Jack Messina and seconded by Larry Vail and carried as follows: James Dodge, absent; 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 8, 2009
Architecture and Community Appearance Board of Review.**

**ACABOR #09-27 - Holiday Inn Plans - Approved with Conditions;
Review of the Lighting Plan**

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TO: Saul Silverman, AIA, 53 Hudson Avenue, Nyack, New York, 10960
FROM: Architecture and Community Appearance Board of Review
RE: **Holiday Inn Plans:** The application of the Saul Silverman, applicant, for Orangeburg Properties, LLC, owner, for the review of a Lighting Plan for a site to be known as "Holiday Inn 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 329 Route 303, Orangeburg, Town of Orangetown, Rockland County, New York and as shown on the Orangetown Tax Map as Section 74.11, Block 2, Lot 25, in the CC zoning district.

Heard by the Architecture and Community Appearance Board of Review of the Town of Orangetown at a meeting held **Tuesday, September 8, 2009**, at which time the Board made the following determinations:

Saul Silverman appeared and testified for the applicant.

The Board received the following items:

1. Elevation Plan prepared by MSA/DCAK Architecture, dated July 27, 2009.
2. Lighting specifications; Masque I, dated October 11, 2007.
3. Submitted at the meeting, Proposed Night Simulation Elevation prepared MSA/DCAK Architecture.

FINDINGS OF FACT:

1. The Board found that the lights on the structure would be targeted no less than 2 feet below the building overhang.
2. The Board found that materials and the appearance of the lights acceptable.

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 lights on the structure would be targeted no less than 2 feet below the building overhang.

The foregoing resolution was presented and moved by Jack Messina and seconded by Jill Fieldstein and carried as follows: James Dodge, absent; Dan Sherman, absent; 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 8, 2009
Architecture and Community Appearance Board of Review

**ACABOR #09-28 – Tri-Bee LTD Plans - Approved with Conditions;
Review of Loading Dock Enclosure Plans**

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TO: Thomas Bertussi, 60-70 Dexter Plaza, Pearl River, New York, 10965
FROM: Architecture and Community Appearance Board of Review
RE: **Tri-Bee LTD Plans:** The application of Tri-Bee LTD, owner, for the review a loading dock enclosure at a site known as "Tri-Bee LTD 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 60-70 Dexter Plaza, Pearl River, Town of Orangetown, Rockland County, New York and as shown on the Orangetown Tax Map as Section 68.20, Block 1, Lot 1.3 in the LI zoning district.

Heard by the Architecture and Community Appearance Board of Review of the Town of Orangetown at a meeting held **Tuesday, September 8, 2009**, at which time the Board made the following determinations:

Thomas Bertussi appeared and testified for the applicant.

The Board received the following items:

1. Site Plan prepared by Jay Greenwell, PLS, dated July 27, 2009.
2. Architectural Plans of Loading Dock Enclosure prepared by Albert Dattoli, R.A., dated June 15, 2009:
 - a. 1 of 3: Loading Dock Plan, Elevation A-A and Elevation B-B
 - b. 2 of 3: Section X - X
 - c. 3 of 3: Y-Y

FINDINGS OF FACT:

1. The Board found that the L- shaped loading dock is an existing structure and is proposed to be enclosed. The colors and finish of the enclosure would match the existing structure.
2. The Board found that there would be no illumination outside of the loading dock.

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 materials to be used would match the existing colors and finish of the existing structure.

The foregoing resolution was presented and moved by Jill Fieldstein and seconded by Jack Messina and carried as follows: James Dodge, absent; Dan Sherman, absent; 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 8, 2009

Architecture and Community Appearance Board of Review

**ACABOR #09-30 – Biondi Plans, Amendment to ACABOR #07-04; Approved
Subject to Conditions**

**TOWN OF ORANGETOWN ARCHITECTURE AND COMMUNITY
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TO: Donald Brenner; 4 Independence Avenue; Tappan, New York, 10983

FROM: Architecture and Community Appearance Board of Review

RE: **Biondi Site Plan:** The application of Bruno Biondi, owner, for the an Amendment to ACABOR #07-04, Review of House and Site Plans for a site known as “Biondi Site Plan”, 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 on 311 Tweed Boulevard, Upper Grandview, Town of Orangetown, Rockland County, New York and as shown on the Orangetown Tax Map as Section 75.05, Block 1, Lot 13, 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 8, 2009**, at which time the Board made the following determinations:

Bruno Biondi, Ken DeGennaro, James Tanner and Donald Brenner appeared and testified.

The Board received the following items:

1. Architectural Plans prepared by James Tanner, R.A., last revision date of June 10, 2009:
 - a. 1 of 6: Front Elevation, dated February 1, 2006
 - b. 2 of 6: Elevations, dated February 1, 2006
 - c. 3 of 6: Lower Basement Plan, dated January, 2006
 - d. 4 of 6: Basement Plan, dated January 26, 2006
 - e. 5 of 6: Main Floor Plan, dated February 6, 2006
 - f. 6 of 6: Cross Section, dated February 7, 2006
2. Site Plans prepared by Brooker Engineering, PLLC, last revision date of June 15, 2009:
 - a. Drawing 1: Title Sheet, dated November 1, 2005
 - b. Drawing 2: Plot Plan, dated November 1, 2005
 - c. Drawing 3: Cross Sections, dated July 20, 2006
 - d. Drawing 4: Details, dated November 1, 2005
 - e. Drawing 5: Drainage and Edge of Pavement Profile, dated November 16, 2006
3. ACABOR #07-04, Approved with Conditions, dated January 16, 2007, ZBA #09-22, Approved with Conditions, dated May 20, 2009 and PB #08-50, Amendment to PB #06-31; Preliminary Approval Subject to Conditions, dated January 14, 2009.

**ACABOR #09-30 – Biondi Plans, Amendment to ACABOR #07-04; Approved
Subject to Conditions**

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FINDINGS OF FACT:

1. The Board found that the Applicant proposes to construct a smaller house than originally proposed and obtained an amendment to the Preliminary Site Plan Approval and revised Zoning Board of Appeals Variances.
2. The Board found that the proposed house would have four sides of stucco with decorative stonework on the facade. The stucco color would be smooth finish Buff/Khaki Blend color with walnut southern Ledge Stone culture stone. The garage doors would be sandstone color and the roof would be heather blend, manufactured by Timberline. The shutters would be sandstone color. The entry door would be brown in color and the windows would be sandstone color.
3. The Board found that the air conditioner unit would be located on the downhill side, behind the retaining wall, before the septic system.
4. The Board found that down lighting would be used on the front of the house and by the garage.

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 proposed house will have four sides of stucco with decorative stonework on the facade. The stucco color will be smooth finish Buff/Khaki Blend color with walnut southern Ledge Stone culture stone. The garage doors will be sandstone color and the roof will be heather blend, manufactured by Timberline. The shutters will be sandstone color. The entry door will be brown in color and the windows will be sandstone color.
2. The air conditioner unit will be located on the downhill side, behind the retaining wall, before the septic system.
3. Down lighting will be used on the house by the front of the house and by the garage.

**ACABOR #09-30 – Biondi Plans, Amendment to ACABOR #07-04; Approved
Subject to Conditions**

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4. The applicant shall comply with the previous conditions of ACABOR #07-04, dated January 16, 2004;
 - a. Blue Rug Juniper Trees shall be planted along the entire length of the rear of the site, planted 6 feet apart, for additional erosion control. The Site Plan shall be revised.
 - b. Trees to be saved shall be protected with snow fencing to the drip line during construction.
 - c. No grading is to take place within five feet of any property line, except as specified on the approved site plan.
 - d. 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 Jack Messina and seconded by Jill Fieldstein and carried as follows: James Dodge, absent; Dan Sherman, absent; 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 8, 2009

Architecture and Community Appearance Board of Review