

Name of Municipality: TOWN OF ORANGETOWN

Date Submitted: 4/7/21

2020 LAND USE BOARD APPLICATION

Please check all that apply:

<input type="checkbox"/> Commercial	<input type="checkbox"/> Residential
<input type="checkbox"/> Planning Board	<input type="checkbox"/> Historical Board
<input checked="" type="checkbox"/> Zoning Board of Appeals	<input type="checkbox"/> Architectural Board
<input type="checkbox"/> Subdivision	<input type="checkbox"/> Consultation
<input type="checkbox"/> Number of Lots	<input type="checkbox"/> Pre-Preliminary/Sketch
<input type="checkbox"/> Site Plan	<input type="checkbox"/> Preliminary
<input type="checkbox"/> Conditional Use	<input type="checkbox"/> Final
<input type="checkbox"/> Special Permit	<input type="checkbox"/> Interpretation
<input type="checkbox"/> Variance	
<input type="checkbox"/> Performance Standards Review	
<input type="checkbox"/> Use Variance	
<input type="checkbox"/> Other (specify): _____	

PERMIT#: 50641
 ASSIGNED
 INSPECTOR: [Signature] Dave
 Referred from Planning Board: YES / NO
 If yes provide date of Planning Board meeting: _____

Project Name: Gas Fueling Station Canopy Addition

Street Address: 552 North Middletown Road, Pearl River, NY 10965

Tax Map Designation:
 Section: 64.17 Block: 1 Lot(s): 76
 Section: _____ Block: _____ Lot(s): _____

Directional Location:
 On the east side of North Middletown Road, approximately
0 feet north of the intersection of Townline Road, in the
 Town of ORANGETOWN in the hamlet/village of Pearl River.

Acreage of Parcel <u>1.56</u>	Zoning District <u>CO</u>
School District <u>Nanuet Union Free School District</u>	Postal District <u>Nanuet</u>
Ambulance District <u>Pearl River</u>	Fire District <u>Pearl River Fire District</u>
Water District <u>Town Water</u>	Sewer District <u>Town Sewer</u>

Project Description: *(If additional space required, please attach a narrative summary.)*
 Please see attached narrative for project description.

The undersigned agrees to an extension of the statutory time limit for scheduling a public hearing.
 Date: 4/7/21 Applicant's Signature: [Signature]



OFFICE OF BUILDING, ZONING, PLANNING,
ADMINISTRATION AND ENFORCEMENT
TOWN OF ORANGETOWN
20 Greenbush Road
Orangeburg, N.Y. 10962

Jane Slavin, R.A.
Director

(845)359-8410

Fax: (845) 359-8526

DENIAL TO THE ZONING BOARD OF APPEALS

Date: May 25, 2021

Applicant: Rockland Car Care

Address: 552 north Middletown Rd, Pearl River, NY

RE: Application Made at: same

Chapter 43, Table 3.11, Column 1- CO District, Column 5- Note #6 : Total sign area shall not exceed 12 sf w/ 173.6 sf proposed

Section: 64.17

Block: 1

Lot: 76

Dear Rockland Car Care:

Please be advised that the Building Permit Application, which you submitted on

October 8, 2021, has been denied. I have enclosed a Xerox copy of your application, where you will find at the bottom the reason for denial.

In Accordance with Zoning, Chapter 43 Section 10.322 the time to appeal a determination of a Building Inspector or Similar administrative office is thirty (30) days from the filing of such a determination with the Town Clerk.

The Clerk to the Zoning Board of Appeals, Debbie Arbolino, will assist you in the preparation necessary to appear before the board.

Sincerely,

Richard Oliver
Deputy Building Inspector

Signature of Director
NOTE: PLEASE KEEP FOR YOUR RECORDS
12-31-18-CCC

Date
CC: Rosanna Sfraga
Liz Decort
Debbie Arbolino

PERMIT EXPIRES TWO (2) YEARS FROM DATE OF ISSUANCE.
 TWO SIX (6) MONTH EXTENSIONS MAY BE GRANTED PRIOR TO EXPIRATION DATE.
APPLICATION FOR BUILDING / DEMOLITION PERMIT
TOWN OF ORANGETOWN

20 Greenbush Road, Orangeburg, NY 10962 Phone: (845) 359-8410 Fax: (845) 359-8526

Mike

ZONE: CO **OFFICIAL USE ONLY** **ACREAGE:** 1.55
Inspector: Steve **Date App Received:** 10-8-2020 **Received By:** mail
Permit No. 50641 **Date Issued:** _____
CO No. _____ **Date Issued:** _____
Permit Fee: 1,932 **Ck#** 2545 **Paid By:** Rockland Car Care
GIS Fee: 190 **Ck#** 2543 **Paid By:** " "
Stream Maintenance Fee 30 **Ck #** 2544 **Paid By:** Rockland Car Care
Additional Fee: _____ **Ck#** _____ **Date Paid** _____ **Paid By** _____
1st 6 mo. Ext.: _____ **Ck #** _____ **Exp. Date:** _____ **Paid By** _____
2nd 6 mo. Ext.: _____ **Ck #** _____ **Exp. Date:** _____ **Paid By** _____

APPLICANT COMPLETES:

Note: See inside for instructions for completing this application,
PAGES 2, 3 and PAGE 4 must be reviewed and PAGES 3 & 4 must signed by the applicant.

Property Location: 552 North Middletown Road, Pearl River, NY 10965
Section: 64.17 **Block:** 1 **Lot:** 76
Property Owner: Joseph Ianuzzi
Mailing Address: 552 North Middletown Road, Pearl River, NY 10965
Email: jrckind552@yahoo.com **Phone #:** 845-735-7550
Lessee (Business Name): Rockland Car Care
Mailing Address: 552 North Middletown Road, Pearl River, NY 10965
Email: jrckind552@yahoo.com **Phone #:** 845-735-7550
Type of Business /Use: Auto Repair Shop, Convenience Store, and Fueling Station
Contact Person: Christopher Lapine **Relation to Project:** Consultant
Email: clapine@chazencompanies.com **Phone#:** 845-486-1478
Architect/Engineer: Lawrence R. Pilon, P.E. **NYS Lic #** 073336
Address: 51 Mapleview Drive, Pennellville, NY 13132 **Phone#:** 315-676-3116
Builder/General Contractor: United Pump & Tank Inc. **RC Lic #** _____
Address: 120 Kingsview Road ; Wallkill NY 12589 **Phone#:** 845-787-3984
Plumber: _____ **RC Lic #** _____
Address: _____ **Phone#:** _____
Electrician: _____ **RC Lic #:** _____
Address: _____ **Phone#:** _____
Heat/Cooling: _____ **RC Lic#:** _____
Address: _____ **Phone#:** _____
Existing use of structure or land: Auto Repair Shop, Convenience Store, and Fueling Station
Proposed Project Description: Installation of a 27-foot by 104-foot canopy over existing pump islands
Proposed Square Footage: 2,808 sf **Estimated Construction Value (\$):** 100,000

BUILDING DEPARTMENT COMPLETES BELOW

PLANS REVIEWED: _____

PERMIT REFERRED / DENIED FOR:

P.B. Chapter 11, Section 11-A-4 Site development plan approval required.
Z.B. Column 1-CO District, Column 5 Note 6 Max Sign Area
12 Square Feet of 10/15/2020 w/ 173.6 SF Proposed.
Deny 10/15/2020
 zoning - front 1/2

FOR OFFICE
 USE ONLY

RECEIVED

TOWN OF ORANGETOWN
 BUILDING DEPARTMENT

SECTION 101
 8 2020

BLOCK 1 LOT 76 NAME Rockland Car Care PERMIT# 50641

Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING

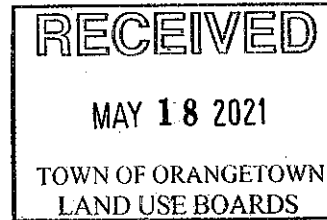
Dr. Robert L. Yeager Health Center
50 Sanatorium Road, Building T
Pomona, New York 10970
Phone: (845) 364-3434 Fax: (845) 364-3435

Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

May 18, 2021

Orangetown Zoning Board of Appeals
21 Greenbush Road
Orangeburg, NY 10962
Tax Data: 64.17-1-76



Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 8/20/2020

Date Review Received: 4/27/2021

Item: ROCKLAND CAR CARE (O-173H)

Variances to permit the construction of a 17.5 foot tall, 2,808 SF canopy over the fuel pumps at an existing gas station located on 1.56 acres in the CO zoning district. The site also contains a 1,5467 SF convenience store and ten service bays. The variances required include front yard setback and height for the canopy. A sign area variance will also be required.
Northeast corner of North Middletown Road and West Townline Road

Reason for Referral:

North & South Middletown Road (CR 33), West Townline Road (CR 42), Town of Clarkstown

The County of Rockland Department of Planning has reviewed the above item. Acting under the terms of the above GML powers and those vested by the County of Rockland Charter, I, the Commissioner of Planning, hereby:

****Recommend the following modifications***

- 1 The applicant is proposing to install three 8 SF signs on the proposed canopy, for a total of 24 SF. As per Column 5 of the Table of General Use Regulations, the maximum total sign area for the CO zoning district is 12 SF. Because the proposed sign area is double what is permitted, an additional variance application is required. We request the opportunity to review the sign area variance, as required by NYS General Municipal Law.

Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Teresa Kenny, Orangetown
Rockland County Department of Highways

The Chazen Companies
Town of Clarkstown

ROCKLAND CAR CARE (O-173H)

**NYS General Municipal Law Section 239 requires a vote of a 'majority plus one' of your agency to act contrary to the above findings. The review undertaken by the Rockland County Planning Department is pursuant to, and follows the mandates of Article 12-B of the New York General Municipal Law. Under Article 12-B the County of Rockland does not render opinions, nor does it make determinations, whether the item reviewed implicates the Religious Land Use and Institutionalized Persons Act. The Rockland County Planning Department defers to the municipality forwarding the item reviewed to render such opinions and make such determinations if appropriate under the circumstances.*

In this respect, municipalities are advised that under the Religious Land Use and Institutionalized Persons Act, the preemptive force of any provision of the Act may be avoided (1) by changing a policy or practice that may result in a substantial burden on religious exercise, (2) by retaining a policy or practice and exempting the substantially burdened religious exercise, (3) by providing exemptions from a policy or practice for applications that substantially burden religious exercise, or (4) by any other means that eliminates the substantial burden.

Proponents of projects are advised to apply for variances, special permits or exceptions, hardship approval or other relief.

Pursuant to New York State General Municipal Law §239-m(6), the referring body shall file a report of final action it has taken with the Rockland County Department of Planning within thirty (30) days after final action. A referring body which acts contrary to a recommendation of modification or disapproval of a proposed action shall set forth the reasons for the contrary action in such report.

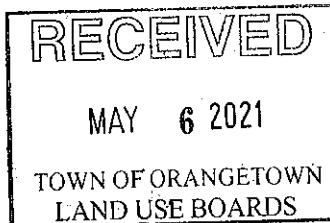
ZONING BOARD OF APPEALS

Town of Orangetown
20 Greenbush Road
Orangeburg, New York 10962
(914) 359-8410 (ex. 4331)

Date: April 27, 2021

TO: OBAPAE

- Environmental Management and Engineering
- ✓ Rockland County Sewer District #1
- New York State Dept. of Transportation
- Palisades Interstate Park Commission
- Orange and Rockland Utilities
- Orangetown Highway
- Fire Prevention (Performance Standards)



RECEIVED
ROCKLAND COUNTY HWY DEPT.

2021 APR 29 A 11:33

- Rockland County Drainage ✓
- Rockland County Health ✓
- Rockland County Planning ✓
- Rockland County Highway ✓
- NYS DEC
- US Army Corps

Town of Clarkstown response included

Review of Plans: Rockland Car Care, 552 North Middletown Road, Pearl River, NY
Section 64.17 Block 1 Lot 76 CO zone

This matter is scheduled for:

Chapter 43, CO District, Group NN, Section 312, Column 8 (Front Yard: 30' required, 27.3' proposed), 12 (Canopy Height: 13.65' permitted, 17.5') for a canopy at an existing service station

Please review the information enclosed and provide comments. These comments may be mailed, e-mailed or faxed to the Zoning Board Office.

If your Agency does not have any comments at this time, please respond to this office by sending back this sheet.

- US Postal: 20 South Greenbush Road, Orangeburg, NY 10962
- Email to Zoning Board: darbolino@orangetown.com or
- Fax to the Town of Orangetown ZBA @845 359 8526

Zoning Board Meeting Date: June 23, 2021

- () Comments attached
- (✓) No Comments at this time. Please send future correspondence for review.
- () No future correspondence for this site should be sent to this agency. Plans reviewed and this agency does not have any further comments.
- () This project is out of the jurisdiction of this agency and has no further comments.

This project is before the Zoning Board on **Wednesday, June 23, 2021**. Kindly forward your completed review to this office by **June 23, 2021**.

Reviewing Agency Rockland County Hwy Dept

Name Dyan Rajasingham date: 05.06.21

Signature:

Thank you, Deborah Arbolino

TOWN OF CLARKSTOWN
DEPARTMENT OF PLANNING

JOSE C. SIMOES, Principal Planner
JAMES CREIGHTON, Senior Planner
10 MAPLE AVENUE
NEW CITY, NEW YORK 10956-5099
(845) 639-2070
(845) 639-2071 (fax)
planning@clarkstown.org

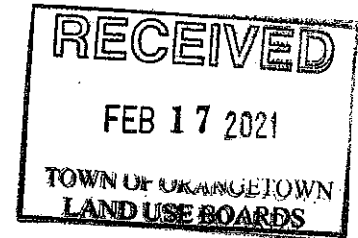


TOWN OF CLARKSTOWN
PLANNING BOARD

GILBERT J. HEIM, Chairman
RUDOLPH J. YACYSHYN, Vice Chairman
PETER E. STREITMAN, Member
EDWARD J. GUARDARO, JR., Member
PHILLIP DEGAETANO, Member
DOUGLAS B. KATZ, Member
EDWARD BERTOLINO, Member

February 12, 2021

Cheryl Coopersmith
Clerk to the Planning Board
20 Greenbush Road
Orangeburg, New York 10962



RE: Town of Orangetown Referral: Rockland Car Care Canopy

Dear Ms. Coopersmith:

The Planning Board reviewed the above referral at their February 3, 2021 meeting.

After a brief discussion, on a Motion of Katz, Seconded by DeGaetano, and carried 6:0, with Ayes of Heim, Streitman, Guardaro and Bertolino **the Planning Board of the Town of Clarkstown deemed the matter for local determination.**

Thank you for this opportunity to review this matter. Please do not hesitate to call me if you have any questions.

Sincerely,

Gilbert J. Heim
Chairman

CC: Rockland County Planning
Clarkstown Planning Board

DECISION

**CHANGE OF ONE NON-CONFORMING USE TO ANOTHER APPROVED
PARKING STANDARD APPLICABLE TO "RETAIL SALES AND SERVICE"**

To: Howard Geneslaw

ZBA # 07-43

One Pennsylvania Plaza 37th fl.

Date: 5/2/07

New York, New York 10119

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#07-42: Application of Quick Chek Corporation for a variance from Chapter 43, Section 9.32 which specifically states: "Change of use. Any nonconforming use may be changed to any conforming use or, on application to and with approval of the Board of Appeals, to any use which the Board of Appeals deems to be more in character with the uses permitted in the district in which the said change of use is proposed." The current use on the property is Rockland Car Care, which is a nonconforming use and the proposed use, Quick Chek food store, is also a nonconforming use. Application requires 35 parking spaces and 35 parking spaces are provided the applicant is requesting an interpretation whether seating justifies an increase in the number of parking spaces required. Premises are located at 552 North Middletown Road, Pearl River, New York and are identified on the Orangetown Tax Map as Section 64.17, Block 1 Lot 76; CO District.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Thursday, May 2, 2007 at which time the Board made the determination hereinafter set forth.

Howard Geneslaw, Attorney, Robert Vallerio, Vice President, Real Estate Quick Chek Corporation and Jeff Martell, Bohler Engineering, appeared and testified.

The following documents were presented:

1. Memorandum dated March 2, 2007 from John Giardiello, P.E., Director, Office of Building, Zoning and Planning Administration and Enforcement, Town of Orangetown.
2. Project Description revised March 7, 2007 (3 pages).
3. Written submission in support of application for determination pursuant to Section 9.32 of the Zoning Law and for an interpretation concerning parking requirements (13 pages).
4. Two page plan from Bohler Engineering dated 3/7/07 signed and sealed by Robert L. Striker, P.E.
5. One page architectural plan not dated, signed and sealed by Gary Kliesch, A.I.A.
6. Planning Board Consultation #07-07 dated January 24, 2007.
7. Zoning Board of Appeals Decision #05-77 dated November 2, 2005.
8. A letter dated April 23, 2007 from the County of Rockland Department of Planning signed by Salvatore Corallo, Commissioner of Planning.
9. A letter April 9, 2007 from the County of Rockland Drainage Agency signed by Edward F. Devine, Executive Director.
10. A memorandum dated March 29, 2007 from Michael B. Bettman, Orangetown Fire Inspector.
11. A letter dated April 30, 2007 from the Town of Clarkstown, signed by Jose Simoes, Clarkstown Town Planner.
12. A letter dated May 2, 2007 from the County of Rockland Sewer District No. 1 signed by Joseph LaFiandra, Engineer III.

Seqra determination shall be determined at the time of site plan review by the Planning Board.

TOWN OF ORANGETOWN

Howard Geneslaw, Attorney, testified that the applicant is before the Board to request a determination from the Board regarding this proposal for a use that is more conforming than the pre-existing non-conforming use present of this parcel and for an interpretation to parking in the CS zone with tables taking up 400 sq. ft. of space; that Section 9.32 of the Zoning Code permits a change from one non-conforming use to another more conforming use, subject to approval of the Zoning Board of Appeals; that the change from auto repair with fuel sales, to retail store with fuel sales constitutes a change to a more conforming use; Quick Chek Corporation is a privately owned, family operated company with over 100 food stores in 15 counties throughout New Jersey; that they are embarking upon long term expansion into New York; that the proposed store would sell products that would be typical in a grocery store and hamburgers, produce, a deli, bakery; that sale of fuel would continue at eight fueling islands beneath a canopy at the front of the food store; that they are also requesting that the Board determine if the parking requirements for retail sales and service would be sufficient for the proposed operation of 6200 sq. ft. which would include 400 sq. ft. of that space for tables; that these tables would be for the convenience of customers having coffee or ordering from the deli; and that the standard for parking be held to the "retail sales and service" section of the code based on the gross floor area of the proposed food store; and that they will comply with all of the comments from interested agencies at the Planning Board level.

Public Comment:

Donald Brenner, Attorney, testified that this is very unorthodox; that the applicant should have gotten a preliminary from the Planning Board before coming to the Zoning Board; that by permitting this, an existing business with a Certificate of Occupancy will be put out of business.

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.

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:

1. The requested change of use pursuant to § 9.32 would not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. By eliminating the nonconforming automobile service component of the existing use and developing a food store with fuel sales, the subject property will be in greater conformity with the uses permitted in the CO zoning district.
2. The requested change of use pursuant to § 9.32 would not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.
3. The benefits sought cannot be achieved by other means feasible for the applicant other than obtaining a determination pursuant to Section 9.32.

TOWN CLERKS OFFICE

TOWN OF ORANGE TOWN

DECISION: In view of the foregoing and the testimony and documents presented, the Board: RESOLVED, that the application for the requested change of use pursuant to § 9.32 and the parking standard applicable to "retail sales and service" 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

7 JUN -8 AM 107

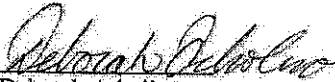
TOWN OF ORANGETOWN

The foregoing resolution to approve the application for the requested change of use pursuant to § 9.32 and the parking standard applicable to "retail sales and service" was presented and moved by Mr. Mowerson, seconded by Ms. Albanese, and carried as follows: Mr. Sullivan, aye; Mr. Mowerson, aye; Ms. Albanese, aye; Mr. Doherty, aye; and Ms. Castelli, aye.

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 2, 2007

ZONING BOARD OF APPEALS
TOWN OF ORANGETOWN

By 
Deborah Arholino
Administrative Aide

DISTRIBUTION:

APPLICANT
ZBA MEMBERS
SUPERVISOR
TOWN BOARD MEMBERS
TOWN ATTORNEY
DEPUTY TOWN ATTORNEY
QBZPAE
BUILDING INSPECTOR - L.P.

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

TOWN CLERKS OFFICE

JUN - 8 - 2007

TOWN OF ORANGETOWN

SUPPLEMENTAL DECISION -HUMBLE OIL & REFINING COMPANY -

Z.B.A.-70-85

M.21-B.206-L.16

FROM: ZONING BOARD of APPEALS, Town of Orangetown

TO: Mr. Ray L. Sheldon, District Engineer, HUMBLE OIL and REFINING COMPANY, Owner

RE: Revised locations for the pump islands and a revised location for the building in connection with the proposed gasoline filling station to be located at the intersection of North Middletown Road and Town Line Road in the Hamlet of Pearl River.
(Meeting 6/15/70)

At a meeting of the Zoning Board of Appeals on April 15, 1970, this Board granted the necessary variances to the applicant in order to enlarge a non-conforming gasoline filling station located on the easterly side of North Middletown Road at the intersection with Town Line Road in Pearl River.

Mr. Robert J. DiFiore, Director of the Office of Building, Zoning and Planning Administration and Enforcement, appeared at the meeting and advised the members of the Board that he had received a letter from Humble Oil and Refining Company, signed by R. L. Sheldon, Field Engineer, dated June 8, 1970, in which the applicant requested that they be permitted to make certain minor changes in the plot plan which was approved at the meeting of April 15, 1970. The pump islands would be moved back 5 feet and 15 feet northerly to allow better ingress and egress with a more even and flexible traffic flow to these islands. In doing this, the first bay into the service station building would be partially blocked by the pump island nearest the building which would necessitate moving the building back 10 feet and northerly 20 feet. There would be no change in the size of the building or the size of the pump island.

After discussing the matter, the members of the Board were of the opinion that the proposed changes in the plot plan were minimum in nature and that they would result in an over-all better plan which would be beneficial to the public. Approval of these changes would be in the public interest and would promote safety and general welfare in the area.

DECISION: In view of the foregoing, the application is HEREBY APPROVED and the applicant is directed to file revised plans with the Building Department. A building permit may be issued in accordance with the plot plan as so amended.

Motion on the above made by Mr. Kelly, seconded by Mr. Crosbie and carried by majority vote of the Board as follows; Leonard D. Bodkin, Aye; James L. Crosbie, Aye; James F. Moran, Aye; A. Roger Kelly, Aye. (Kenneth A. Aakesson, abstained.)

The Clerk of 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.

Distribution
Town Clerk
Wm. Snair, Esq.
Geo. Bergerman, Esq.
Mr. J. B. Lovett, Spvr.
Mr. R. J. DiFiore
Mr. H. Heiling
Property File-OBZPAE
Mr. O. J. Kuse
Members Zoning Bd.
Members Town Bd.
Chrmn. & Secy., Planning Bd.

ZONING BOARD OF APPEALS
TOWN OF ORANGETOWN -

By: R. H. Fritz
R. H. Fritz, Clerk

Dated: June 16, 1970

DECISION

USE VARIANCE APPROVED WITH CONDITIONS

To: Brian Aitchison (Rockland Car Care)
10 South Broadway
Nyack, New York 10960

ZBA # 05-77
Date: 11 / 2 / 05

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

Re: ZBA# 05-77: Application of Rockland Car Care for variances from Chapter 43, Section 3.11, CO District Column 2 (Retail/Service establishments not permitted by right: Use variance required) and from Section 3.11, LI District, Column 7 # 6 (b) (3 parking spaces plus 1 parking space per auto repair bay = 43 parking spaces required: 27 parking spaces provided) and from Section 3.11, CS District, Column 6 # 4 (One parking space per 200 sq. ft. of retail sales and service: 17 parking spaces required, 0 parking spaces provided) for an extension to an existing non-conforming service station with a proposed food mart addition. The site is located at 552 North Middletown Road, Pearl River, New York and are identified on the Orangetown Tax Map as Section 64.17, Block 1, Lot 76; CO zone.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, November 2, 2005 at which time the Board made the determination hereinafter set forth.

Brian Aitchison, Architect, Joseph Ianuzzi, Proprietor, and Shari Berk, Accountant, appeared and testified.

The following documents were presented:

1. Site plan dated February 11, 2005 signed and sealed by Drazen Cackovic, Architect.
2. A five page letter dated October 15, 2005 from Brian Aitchison, Architect with 3 pages of attached pictures of adjacent properties.
3. A letter dated October 5, 2005 from Shari E. Berk, Certified Public Accountant.
4. Income tax returns from the year 1997 through 2004 for Rockland Car Care.
5. A letter from the County of Rockland Department of Planning dated June 3, 2005 signed by Salvatore Corallo, Commissioner of Planning with an attachment of ZBA decision #70-85 dated June 16, 1970.
6. A letter dated July 6, 2005 from the county of Rockland Department of Planning signed by Salvatore Corallo, Commissioner of Planning.
7. A letter dated July 5, 2005 from the County of Rockland Department of Highways signed by Joseph Arena, Principal Engineering Technician.
8. Seventy-three letters in support of the application.

On advice of Mr. Mulhearn, Attorney to the Zoning Board of Appeals, Mr. Duffy moved for a Board determination that the foregoing application is a Type II action under SEQRA regulations which does not require SEQRA environmental review. The motion was seconded by Mr. Munno and carried as follows: Mr. Sullivan, aye; Ms. Castelli, aye; Mr. Munno, aye; Mr. Mowerson, aye; and Mr. Duffy, aye

Brian Aitchison, Architect, testified that a one time expansion was granted to the property 35 years ago when the building was constructed; that previously a two pump station existed on the site; that this building had been built by Humble Oil as a training

center; that the existing building is 6,000 sq. ft.; that the proposed addition is 1,900' sq. ft.; that financial records for the last six years have been submitted; that this expansion would allow Mr. Ianuzzi to make a profit on the business that he has continually put money into; that Mr. Ianuzzi purchased the property in 1996; that he has spent his entire career working in and operating these type of facilities; that he saw an opportunity to operate a well-designed, community oriented automotive service center; that the property was large and well laid out; that it offered an opportunity to grow and expand a successful business; that despite these positive attributes and due to economic forces beyond Mr. Ianuzzi's control the business has struggled from the beginning; that the operation cannot continue to operate in it's current configuration; that commercial and economic changes that have occurred during his tenure have made the business model of a local community oriented automotive service center increasingly difficult to maintain; that it has been necessary to expand the focus of the business to compete and maintain the financial viability of the operation; that because the building was constructed as a training center it has ten service bays; that the business has never used more than five service bays; that three of these bays are used for parking and two are used for storage; that other businesses in this area have received variances from this Board; that the Sunoco at 370 South Middletown Road was granted a variance for its construction in 1952; that in 1984 it was granted an expansion of 158%; and an amendment to that second variance was granted in 1989 for a total 204.8% expansion; that they were permitted to have 14 parking spaces for six bays and 27 spaces were required; that the Orangetown Quick Lube/Car Wash at 558 N. Middletown Road was built in 1969 with a use variance; that in 1986 a second variance was granted permitting an expansion of 111%; that Brickers Automotive at 500 N. Middletown Road was built in 1962 under a use variance; that in 1977 another use variance was granted to convert this into a florist/produce shop; that later in 1977 that use approval was vacated and the use converted back to a service station; that in 1981 another use variance was granted for the parking of up to 20 commercial rental trucks; that Mr. Ianuzzi applied for the food mart four or five years ago; that he has a building permit for the food mart; that he would like to expand this portion of the business to include the drive-up windows because that will meet the needs of today; and that there are 43 parking spaces shown on the plan; that there is a space in the rear of the property for 18 more spaces; that these 18 spaces are land banked but they will pave them if that is what the Board requires; that the drive through plan would be laid out according to the Planning Board's direction; that the drive-up windows would be open until 10:00 P.M.; that people could phone their orders ahead; and that Shari Berk, accountant can explain why the tax returns submitted were not signed.

Shari Berk, Accountant, testified that tax preparer's do not generally keep signed copies of tax returns; that the signed copy is mailed to the government and an unsigned copy is kept in the office and given to the client.

Public Comment:

No public comment.

The Board members made a personal inspection of the premises on Sunday October 30, 2005 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.

TOWN OF ORANGETOWN

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:

1. The requested use variance as conditioned would not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties.
2. The requested use variance as conditioned would not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.
3. The benefits sought cannot be achieved by other means feasible for the applicant other than obtaining variances.

DECISION: In view of the foregoing and the testimony and documents presented, the Board **RESOLVED**, that the application for the requested use variance is **APPROVED** with the **SPEICIFIC CONDITIONS**; (1) that the applicant prove the existence of a certificate of occupancy for the food mart that was established within the building in 2000 or 2001; (2) that the Planning Board determine if the 18 parking spaces shown on the plan dated 10/15/05 proposed as land banked shall either remain as shown or be paved according to the Planning Board's direction; 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.


Rockland Car Care
ZBA # 05-77
Page 5 of 5

The foregoing resolution to approve the application for the requested use variance as conditioned was presented and moved by Mr. Mowerson, seconded by Ms. Castelli, and carried as follows: Mr. Munno, aye; Mr. Mowerson, aye; Mr. Sullivan, aye; Ms. Castelli, aye; and Mr. Duffy, aye.

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: November 2, 2005

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 -L.P.

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

TOWN OF ORANGETOWN

APPLICATION REVIEW FORM

Applicant: Rockland Car Care, Inc. Phone # 845-735-7550

Address: 552 North Middletown Road Pearl River NY 12601
Street Name & Number (Post Office) City State Zip Code

Property Owner: Rockland Care Car, Inc. Phone # 845-735-7550

Address: 552 North Middletown Road Pearl River NY 12601
Street Name & Number (Post Office) City State Zip Code

Engineer/Architect/Surveyor: Chazen Companies, Kyle Bardwell Phone # 845-486-1573

Address: 21 Fox Street, Poughkeepsie, NY 12601
Street Name & Number (Post Office) City State Zip Code

Attorney: _____ Phone # _____

Address: _____
Street Name & Number (Post Office) City State Zip Code

Contact Person: Kyle Bardwell, Chazen Companies Phone # 845-486-1573

Address: 21 Fox Street, Poughkeepsie, NY 12601
Street Name & Number (Post Office) City State Zip Code

GENERAL MUNICIPAL LAW REVIEW:

This property is within 500 feet of:
(Check all that apply)

IF ANY ITEM IS CHECKED, A REVIEW MUST BE DONE BY THE ROCKLAND COUNTY COMMISSIONER OF PLANNING UNDER THE STATE GENERAL MUNICIPAL LAW, SECTIONS 239 L, M, N, AND NN.

- | | |
|--|---|
| <input checked="" type="checkbox"/> State or County Road | <input type="checkbox"/> State or County Park |
| <input type="checkbox"/> Long Path | <input type="checkbox"/> County Stream |
| <input checked="" type="checkbox"/> Municipal Boundary | <input type="checkbox"/> County Facility |

List name(s) of facility checked above:
CR 33 and 42; Town of Clarkstown

Referral Agencies:

- | | |
|---|--|
| <input checked="" type="checkbox"/> RC Highway Department | <input type="checkbox"/> RC Division of Environmental Resources |
| <input type="checkbox"/> RC Drainage Agency | <input type="checkbox"/> RC Dept. of Health |
| <input type="checkbox"/> NYS Dept. of Transportation | <input type="checkbox"/> NYS Dept. of Environmental Conservation |
| <input type="checkbox"/> NYS Thruway Authority | <input type="checkbox"/> Palisades Interstate Park Commission |
| <input checked="" type="checkbox"/> Adjacent Municipality <u>Clarkstown</u> | |
| <input type="checkbox"/> Other _____ | |

APPLICATION REVIEW FORM

FILL IN WHERE APPLICABLE.

(IF THE FOLLOWING DOES NOT APPLY PLEASE MOVE ON TO THE NEXT PAGE)

If subdivision:

- 1) Is any variance from the subdivision regulations required? _____
- 2) Is any open space being offered? ____ If so, what amount? _____
- 3) Is this a standard or average density subdivision? _____

If site plan:

- 1) Existing square footage _____
- 2) Total square footage _____
- 3) Number of dwelling units _____

If **special permit**, list special permit use and what the property will be used for.

Environmental Constraints:

Are there **slopes greater than 25%**? If yes, please indicate the amount and show the gross and net area _____

Are there **streams** on the site? If yes, please provide the names. _____

Are there **wetlands** on the site? If yes, please provide the names and type:

Project History:

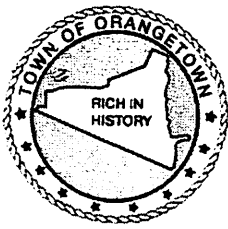
Has this project ever been reviewed before? Yes, by Planning Board

If so, provide a narrative, including the list case number, name, date, and the board(s) you appeared before, and the status of any previous approvals.

This project received conditional site plan approval on 1/13/2021 as per PB#21-03. Site Plan approval is conditioned on approval of the two variances being requested.

List tax map section, block & lot numbers for all other abutting properties in the same ownership as this project.

See following page.



OFFICE OF BUILDING, ZONING, PLANNING,
ADMINISTRATION AND ENFORCEMENT
TOWN OF ORANGETOWN

20 Greenbush Road
Orangeburg, N.Y. 10962

Jane Slavin, R.A.
Director

(845)359-8410

Fax: (845) 359-8526

Referral to the Planning Board

Date: October 15, 2020 Section: 64.17 Block: 1 Lot: 76

Applicant: Rockland Car Care

Address: 552 North Middletown Rd, Pearl River, NY

RE: Application Made at: same

Referred For: **§ 21A-4 Site development plan approval required.**

A. No building permit or certificate of occupancy shall be issued, other than for a single- or two-family residence and structures accessory thereto, except for a building or use that is in conformity with a site development plan approved by the Planning Board,

B. Approval of a site plan by the Planning Board is required for the development or redevelopment of any property or structure for a new use, the expansion or relocation of any existing use, or a change of use. A change of use of a building, structure or lot is interpreted for purposes of this code as:

(1) A change that results in a difference in the numerical listing or the use column (Uses Permitted by Right, Uses by Special Permit, Conditional Uses, General Accessory Uses) for all uses as set forth in Chapter 43, § 3.11, Table of General Use Regulations.

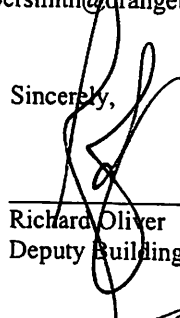
(2) A change in the off-street parking requirements for a use as specified in Chapter 43, § 3.11, Table of General Use Regulations.

Comments: Canopy over fuel stations

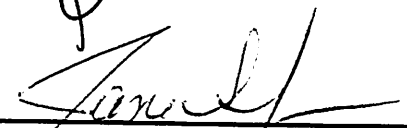
Dear Rockland Car Care :

Please be advised that the Building Permit Application, which you submitted on October 8, 2020, has been referred to the Orangetown Planning Board. I have enclosed a Xerox copy of your application, where you will find at the bottom the reason for referral. The Clerk to the Planning Board, Cheryl Coopersmith, will assist you in the preparation necessary to appear before the board. She can be reached at 845-359-8410 ext. 4330 or CCoopersmith@orangetown.com

Sincerely,


Richard Oliver
Deputy Building Inspector

Deputy 10/15/2020


Signature of Director
NOTE: PLEASE KEEP FOR YOUR RECORDS
8-12-20-CCC

10-15-2020
Date
Liz Decort
Cheryl Coopersmith

PERMIT EXPIRES TWO (2) YEARS FROM DATE OF ISSUANCE.
TWO SIX (6) MONTH EXTENSIONS MAY BE GRANTED PRIOR TO EXPIRATION DATE.

APPLICATION FOR BUILDING / DEMOLITION PERMIT

TOWN OF ORANGETOWN

20 Greenbush Road, Orangeburg, NY 10962 Phone: (845) 359-8410 Fax: (845) 359-8526

ZONE: C-2 **OFFICIAL USE ONLY** **ACREAGE:** 1.55
Inspector: DAVE **Date App Received:** 10-8-2020 **Received By:** mail
Permit No.: 501641 **Date Issued:** _____
CO No.: _____ **Date Issued:** _____
Permit Fee: 1932.1 **Ck#:** 2545 **Paid By:** Rockland Car Care
GIS Fee: 190.- **Ck#:** 2543 **Paid By:** " "
Stream Maintenance Fee: 30 **Ck#:** 2544 **Paid By:** Rockland Car Care

Additional Fee: _____ **Ck#:** _____ **Date Paid:** _____ **Paid By:** _____
1st 6 mo. Ext.: _____ **Ck #:** _____ **Exp. Date:** _____ **Paid By:** _____
2nd 6 mo. Ext.: _____ **Ck #:** _____ **Exp. Date:** _____ **Paid By:** _____

APPLICANT COMPLETES:

Note: See inside for instructions for completing this application,
PAGES 2, 3 and PAGE 4 must be reviewed and PAGES 3 & 4 must signed by the applicant.

Property Location: 552 North Middletown Road, Pearl River, NY 10965
Section: 64.17 **Block:** 1 **Lot:** 76
Property Owner: Joseph Ianuzzi
Mailing Address: 552 North Middletown Road, Pearl River, NY 10965
Email: jrckind552@yahoo.com **Phone #:** 845-735-7550
Lessee (Business Name): Rockland Car Care
Mailing Address: 552 North Middletown Road, Pearl River, NY 10965
Email: jrckind552@yahoo.com **Phone #:** 845-735-7550
Type of Business /Use: Auto Repair Shop, Convenience Store, and Fueling Station
Contact Person: Christopher Lapine **Relation to Project:** Consultant
Email: clapine@chazencompanies.com **Phone#:** 845-486-1478
Architect/Engineer: Lawrence R. Pilon, P.E. **NYS Lic #:** 073336
Address: 51 Mapleview Drive, Pennellville, NY 13132 **Phone#:** 315-676-3116
Builder/General Contractor: United Pump & Tank Inc. **RC Lic #:** _____
Address: 120 Kingsview Road ; Wallkill NY 12589 **Phone#:** 845-787-3984
Plumber: _____ **RC Lic #:** _____
Address: _____ **Phone#:** _____
Electrician: _____ **RC Lic #:** _____
Address: _____ **Phone#:** _____
Heat/Cooling: _____ **RC Lic#:** _____
Address: _____ **Phone#:** _____
Existing use of structure or land: Auto Repair Shop, Convenience Store, and Fueling Station
Proposed Project Description: Installation of a 27-foot by 104-foot canopy over existing pump islands

Proposed Square Footage: 2,808 sf **Estimated Construction Value (\$):** 100,000

BUILDING DEPARTMENT COMPLETES BELOW

PLANS REVIEWED: _____

PERMIT REFERRED / DENIED FOR:

Chapter 11, Section 11-A-4 site development plan approval required.

[Signature] 10/15/2020 [Signature] 10/15/2020

zoning - Frank [Signature]
 11/19/20

FOR OFFICE USE ONLY

SECTION

BLOCK

LOT

NAME

PERMIT #

RECEIVED
OCT 8 2020
TOWN OF ORANGETOWN
BUILDING DEPARTMENT



OFFICE OF BUILDING, ZONING, PLANNING,
ADMINISTRATION AND ENFORCEMENT
TOWN OF ORANGETOWN
20 Greenbush Road
Orangeburg, N.Y. 10962

Jane Slavin, R.A.
Director

(845)359-8410

Fax: (845) 359-8526

ZONING BOARD OF APPEALS

Date: 4/19/2021

Applicant: Rockland Car Care

Address: 552 North Middletown Road, Pearl River NY

Section: 64.17

Block: 1

Lot: 76

Permit# _____

Plans Submitted:

"New Extension Gas Canopy for Rockland Car Care-Pearl River" dated February 19, 2021 not signed or sealed by M. Gillespie & Associates, PLS.

Map of Survey prepared for Gas Land Petroleum dated 8/20/2020 not signed or sealed by The Chazen Companies.

RECEIVED

APR 26 2021

TOWN OF ORANGETOWN
BUILDING DEPARTMENT

Applicant filled in 4/26/21

Project Name: Rockland Car Care

April 16, 2021

Date of Submittal to Land Use Board: _____

Date of Board Meeting: will have date after reviewed by Director

Sincerely,

Debbie Arbolino

Administrative Aide

RECEIVED

APR 19 2021

TOWN OF ORANGETOWN
BUILDING DEPARTMENT

4/19/21 Called applicant to pick up application form & complete it and return for directors review & comments for what variances are needed

Called Kyle & Katherine 4/26/21

Date/Initial of OBZPAE Review Completed: _____

*S. 4-19-21
OF ITEMS INCOMPLETE ON APPLICATION. MUST COMPLETE FOR RECORD*

AFFIDAVIT

State of New York)

County of Rockland) SS.:

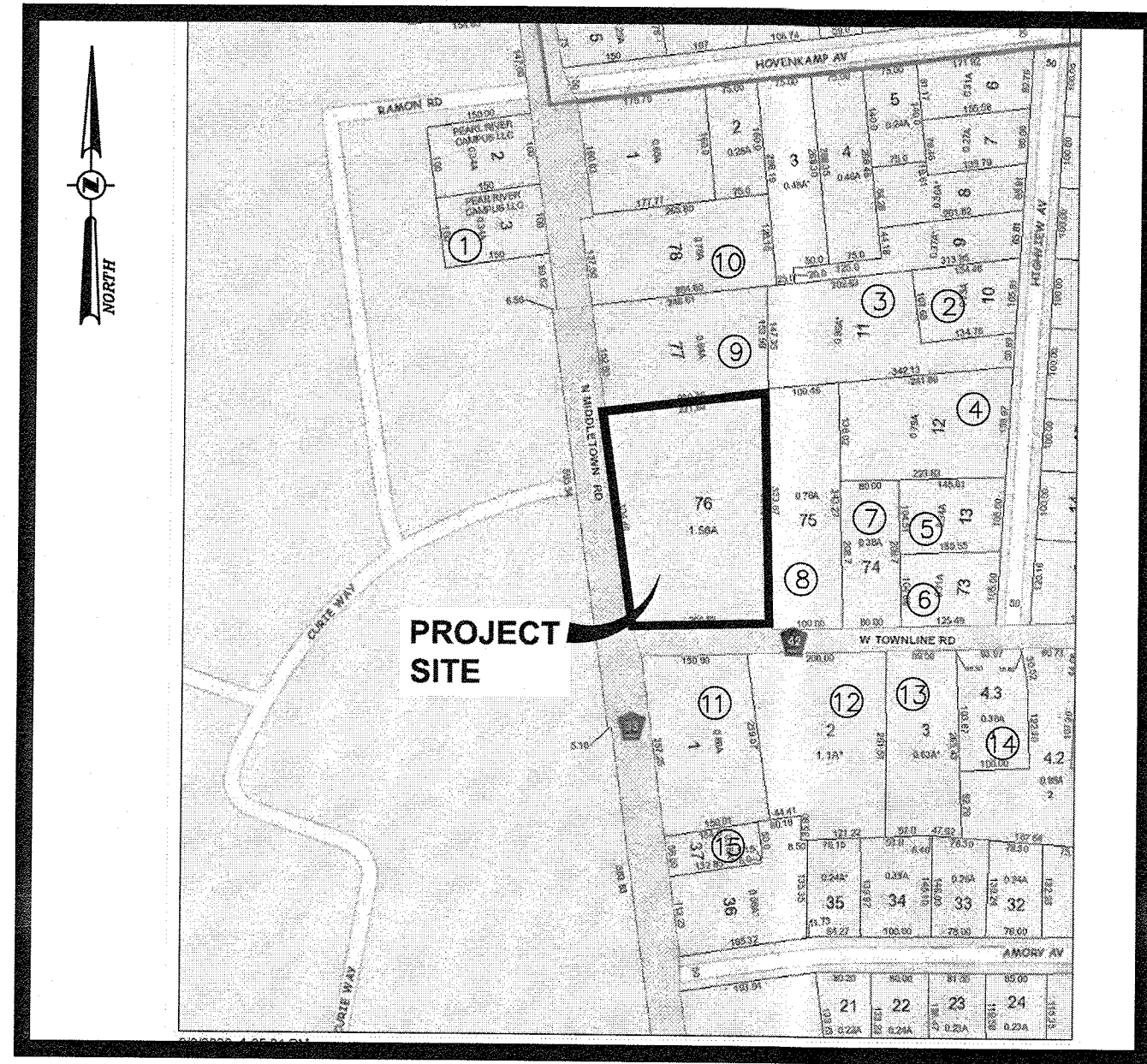
Town/Village of Town of Orangetown)

I, JOE LANNUZZI being duly sworn deposes and says that he is the applicant, agent or attorney for applicant, in the matter of the petition before the Planning Board (board) in the town/village of Orangetown affecting property located at 552 N. Middletown Rd, Rockland County, New York.

That the following are all of the owners of property 200 (distance) from the premises as to which this application is being taken.

SECTION-BLOCK-LOT NAME ADDRESS

- 64.17-1-3 Paul Fay 13 Hovenhamp Avenue Nanuet, NY 10954
- 64.17-1-10 Jason Trudeau 525 Highview Avenue Pearl River, NY 10965
- 64.17-1-11 Denise Rahilly 519 Highview Avenue Nanuet, NY 10954
- 64.17-1-12 Martin Desapio 513 Highview Avenue Pearl River, NY 10965
- 64.17-1-13 Robert A Meunier 507 Highview Avenue Pearl River, NY 10965
- 64.17-1-73 Matthew Donohue 501 Highview Avenue Pearl River, NY 10965
- 64.17-1-74 Kathryn Syran 31 W Townline Road Pearl River, NY 10965
- 64.17-1-75 Richard W Pyun 27 W Townline Road Pearl River, NY 10965
- 64.17-1-77 Pearl River Exterior Car Wash 558 N Middletown Road Pearl River, NY 10965
- 64.17-1-78 Lale Realty LLC 29 Rochelle Drive New City NY 10956
- 64.17-3-1 Brickers Inc. 115 S Oxford Street Unit 522 Brooklyn, NY 11217
- 64.17-3-2 Wanda Mc Loughlin 50 W Townline Road Pearl River NY 10965
- 64.17-3-3 William M Hinchey 3956 Eagle Circle Slatington, PA 10965
- 64.17-3-4.3 Edward H Neillis Jr 42 W Townline Road Pearl River NY 10965
- 64.17-3-37 IQ Leads LLC 8 Spruce Court Nanuet NY 10954



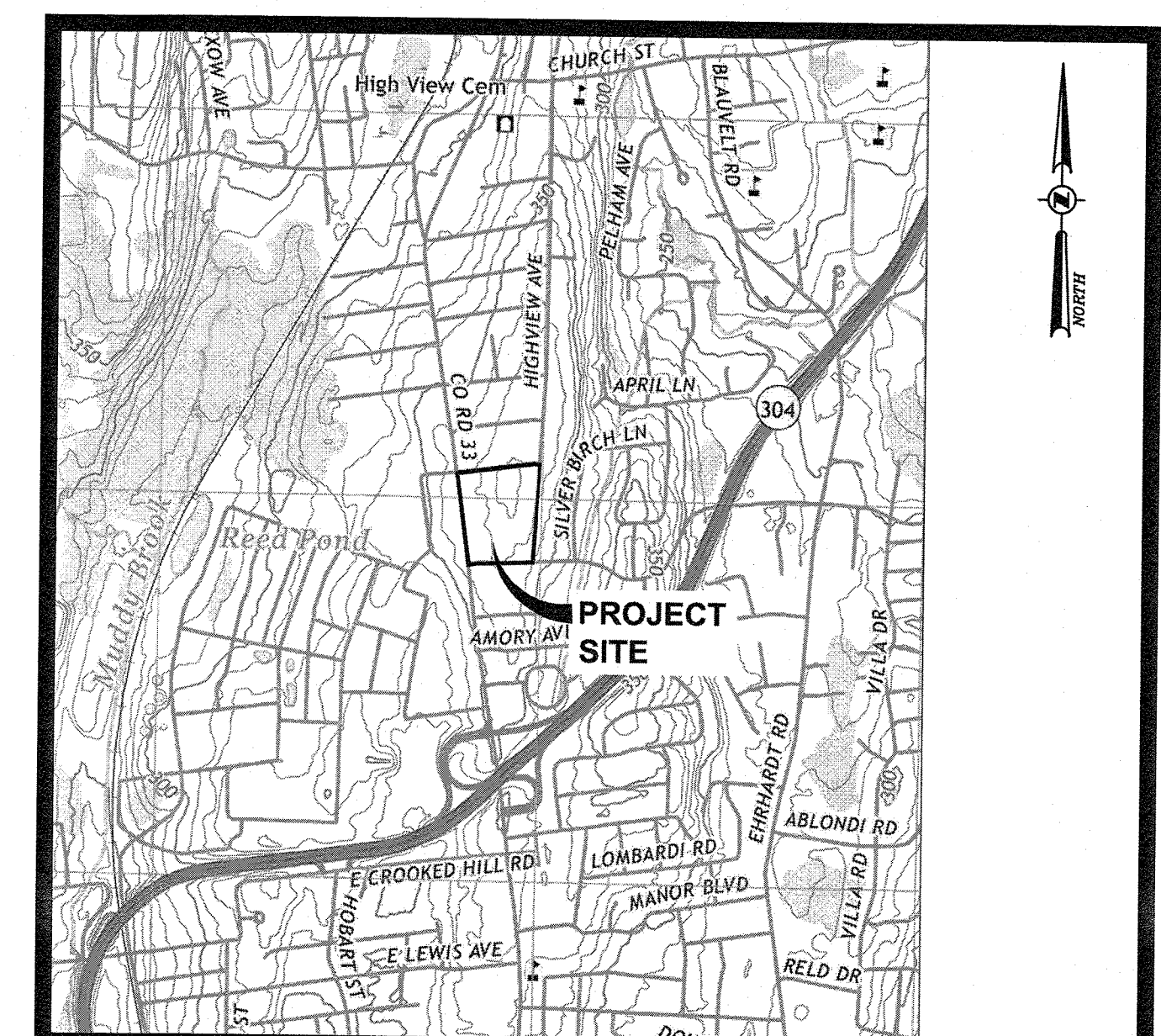
ABUTTING PROPERTIES MAP
SCALE: 1"=200'

ABUTTING PARCELS

- 1 Paul Fay
13 Hovenkamp Av, Nanuet, NY 10954
392489 64.17-1-3
- 2 Jason Trudeau
525 Highview Ave, Pearl River, NY 10965
392489 64.17-1-10
- 3 Denise Rahilly
519 Highview Ave, Nanuet, NY 10954
392489 64.17-1-11
- 4 Martin Desapio
513 Highview Av, Pearl River, NY 10965
392489 64.17-1-12
- 5 Robert A Meunier
507 Highview Av, Pearl River, NY 10965
392489 64.17-1-13
- 6 Matthew Donohue
501 Highview Av, Pearl River, NY 10965
392489 64.17-1-73
- 7 Kathryn Syran
31 W Townline Rd, Pearl River, NY 10965
392489 64.17-1-74
- 8 Richard W Pyun
27 W Townline Rd, Pearl River, NY 10965
392489 64.17-1-75
- 9 Pearl River Exterior Car Wash
Timothy J Weigel
558 N Middletown Rd, Pearl River, NY 10965
392489 64.17-1-77
- 10 Lale Realty LLC
29 Rochelle Dr, New City, NY 10956
392489 64.17-1-78
- 11 Brickers Inc
115 S Oxford St Unit 522, Brooklyn, NY 11217
392489 64.17-3-1
- 12 Wanda Mc Laughlin
50 W Townline Rd, Pearl River, NY 10965
392489 64.17-3-2
- 13 William M Hinchey
3956 Eagle Cir, Slatington, PA 18080
392489 64.17-3-3
- 14 Edward H Neelis Jr
42 W Townline Rd, Pearl River, NY 10965
392489 64.17-3-4.3
- 15 Q Leads LLC
8 Spruce Ct, Nanuet, NY 10954
392489 64.17-3-37



1 SITE PLAN
SCALE: SCALE-H: 1"=20'



LOCATION MAP
SCALE: 1"=1000'

RECORD OWNER:
ROCKLAND CAR CARE INC.
552 NORTH MIDDLETOWN ROAD
PEARL RIVER, NEW YORK,
10965

DEVELOPER / APPLICANT:
ROCKLAND CAR CARE INC.
552 NORTH MIDDLETOWN ROAD
PEARL RIVER, NEW YORK,
10965

SITE CIVIL ENGINEER AND LANDSCAPE ARCHITECT:
CHAZEN ENGINEERING, LAND SURVEYING &
LANDSCAPE ARCHITECTURE CO., D.P.C.
21 FOX STREET, PoughKEEPSIE, NY 12601
PHONE: (845) 454-3980

AREA:
TOTAL PROJECT ACREAGE : 1.56 ACRES

TAX MAP INFORMATION:
TOWN OF ORANGETOWN
SECTION 64.17, BLOCK 1, LOTS 76

Land Now or Formerly of
RICHARD W. PYUN
Deed Instrument ID 2005-00084747
Tax Parcel: 64.17-1-75

BULK TABLE:

COMMERCIAL OFFICE (CO) ZONING DISTRICT:

ZONING REQUIREMENTS:

	REQUIRED (CO)	EXISTING	PROPOSED
MINIMUM LOT AREA	30,000	67,890 SF	67,890 SF
MINIMUM LOT WIDTH	150 FT	200 FT	200 FT
MINIMUM STREET FRONTAGE	50 FT	200 FT	200 FT
YARD SETBACKS (BUILDING)			
FRONT (REQUIRED)	30 FT	81.9 FT ¹	81.9 FT ¹
SIDE (REQUIRED)	35 FT	81.7 FT	81.7 FT
TOTAL SIDES (REQUIRED)	90 FT	190.2 FT	190.2 FT
REAR (REQUIRED)	50 FT	62.5 FT	62.5 FT
YARD SETBACKS (CANOPY)			
FRONT (REQUIRED)	30 FT	N/A	27.3 FT ^{1 3}
SIDE (REQUIRED)	35 FT	N/A	61.1 FT ¹
TOTAL SIDES (REQUIRED)	90 FT	N/A	192.2 FT ¹
REAR (REQUIRED)	50 FT	N/A	144.3 FT
MAXIMUM FLOOR AREA RATIO	0.2	0.1 ²	0.1
MAXIMUM BUILDING HEIGHT	40.95 FT ²	<40 FT ²	<40 FT ²
MAXIMUM CANOPY HEIGHT	13.65 FT ²	N/A	17.5 FT ^{2 3}
MAXIMUM LOT COVERAGE	75%	69%	69%

PARKING REQUIREMENTS:

4 SPACES PER BAY X 10 BAYS= 40 SPACES

3 EMPLOYEE SPACES FOR SERVICE BAYS = 3 SPACES

1,547 SF CONVENIENCE STORE / 1 SPACE PER 200SF= 8 SPACES

TOTAL REQUIRED=51 SPACES

TOTAL PROVIDED=57 SPACES*

*NOTE: 20 SPACES PROVIDED ARE LANDBANKED.

NOTES:

1) SETBACKS WERE MEASURED FROM THE DESIGNATED STREET LINE.

2) MAX ALLOWABLE BUILDING HEIGHT IS 6" FOR EVERY ONE FOOT OF FRONT YARD SETBACK.

3) A VARIANCE IS BEING SOUGHT.

ISSUED FOR SITE PLAN APPROVAL

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CHAZEN ENGINEERING, LAND SURVEYING & LANDSCAPE ARCHITECTURE CO., D.P.C.

THE Chazen COMPANIES
Provided to its Employees/Contractors

Office Locations:

- Hudson Valley Office: 21 Fox Street, Poughkeepsie, New York 12601 Phone: (845) 454-3980
- North Country Office: 20 Elm Street (Suite 110) Glens Falls, New York 12861 Phone: (518) 812-0513
- Capital District Office: 547 River Street Troy, New York 12180 Phone: (518) 273-0055
- Westchester NY Office: 1 North Broadway, Suite 803 White Plains, New York 10601 Phone: (914) 997-8510
- Nashville Tennessee Office: 2416 21st Ave S. (Suite 103) Nashville, Tennessee 37212 Phone: (615) 380-1359
- Chattanooga Tennessee Office: 427 E. 5TH ST. (Suite 201) Chattanooga, Tennessee 37403 Phone: (423) 241-8575

rev.	date	description

ROCKLAND CAR CARE- PEARL RIVER

SITE PLAN

HAMLET OF PEARL RIVER, ROCKLAND COUNTY, NEW YORK

designed	checked
KTB	CPL
date	scale
07/25/19	AS NOTED
project no.	81953.00
sheet no.	C130

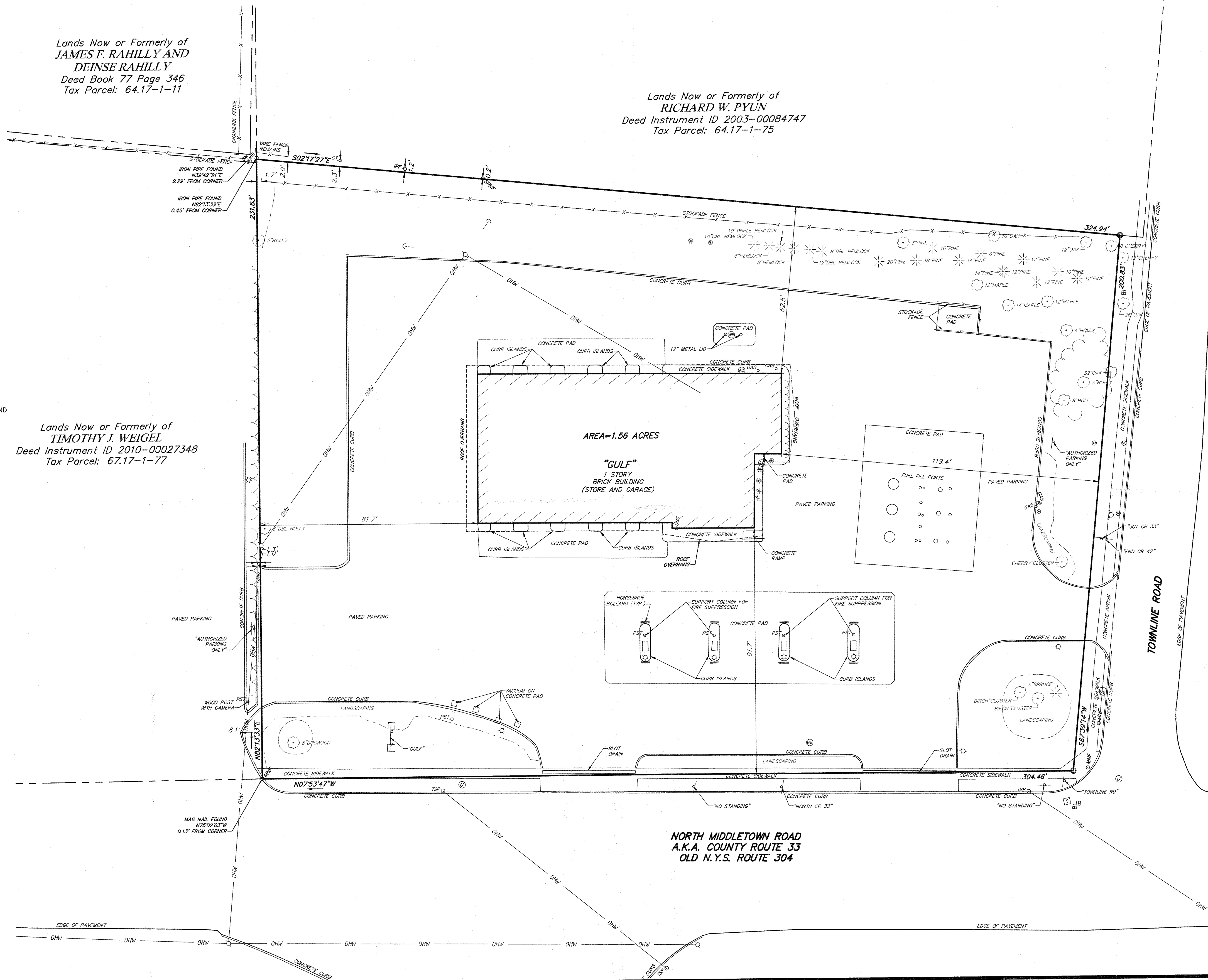


- LEGEND:**
- EXISTING CONDITIONS:**
- PROPERTY LINE NO PHYSICAL BOUNDS
 - ADJACENT PROPERTY LINE
 - ▭ EXISTING BUILDING
 - CONC. CURB
 - EXISTING CURB
 - EXISTING FENCE
 - EXISTING TREE LINE
 - EXISTING HEDGE LINE
 - OHW
- SYMBOLS:**
- EXISTING SIGN
 - EXISTING SIGN
 - EXISTING BOLLARD
 - EXISTING FENCE POST
 - EXISTING POST
 - EXISTING CONIFEROUS TREE
 - EXISTING DECIDUOUS TREE
 - EXISTING SHRUB
 - EXISTING IRON PIPE FOUND
 - EXISTING IRON ROD FOUND
 - EXISTING MAGNETIC NAIL FOUND
 - EXISTING PK NAIL FOUND
 - EXISTING SPIKE FOUND
 - EXISTING CATCH BASIN
 - EXISTING GUY WIRE
 - EXISTING UTILITY POLE
 - EXISTING LIGHT POLE
 - EXISTING AIR CONDITION COMPRESSOR
 - EXISTING CONDUIT TO/FROM UNDERGROUND
 - EXISTING GAS STRUCTURE
 - EXISTING GAS VALVE
 - EXISTING HYDRANT
 - EXISTING WATER VALVE
 - EXISTING TRAFFIC SIGNAL POLE
 - EXISTING VENT
 - EXISTING MONITORING WELL

Lands Now or Formerly of
**JAMES F. RAHILLY AND
DEINSE RAHILLY**
Deed Book 77 Page 346
Tax Parcel: 64.17-1-11

Lands Now or Formerly of
RICHARD W. PYUN
Deed Instrument ID 2003-00084747
Tax Parcel: 64.17-1-75

Lands Now or Formerly of
TIMOTHY J. WEIGEL
Deed Instrument ID 2010-00027348
Tax Parcel: 67.17-1-77



NOTES:
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CERTIFICATIONS INDICATED HEREON SIGNIFY THAT THIS SURVEY WAS PREPARED IN ACCORDANCE WITH THE EXISTING CODE OF PRACTICE FOR PROFESSIONAL LAND SURVEYORS AS ADOPTED BY THE NEW YORK STATE ASSOCIATION OF PROFESSIONAL LAND SURVEYORS. SAID CERTIFICATIONS SHALL RUN ONLY TO THE PERSON SO NOTED. CERTIFICATIONS ARE NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS, THEIR SUCCESSORS AND/OR ASSIGNS, OR SUBSEQUENT OWNERS.

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SURVEYED FROM RECORD DESCRIPTION AND AS IN POSSESSION.

NORTH ORIENTATION IS PER NEW YORK STATE PLANE EAST ZONE, NORTH AMERICAN DATUM OF 1983 (NAD83) ESTABLISHED BY GPS RTN OBSERVATIONS AUGUST, 2020. BEARINGS SHOWN ARE REFERENCED TO THIS DATUM AND THEREFORE MAY NOT MATCH RECORDED BEARINGS.

BUILDING SHOWN HEREON SERVED BY UNDERGROUND UTILITIES.

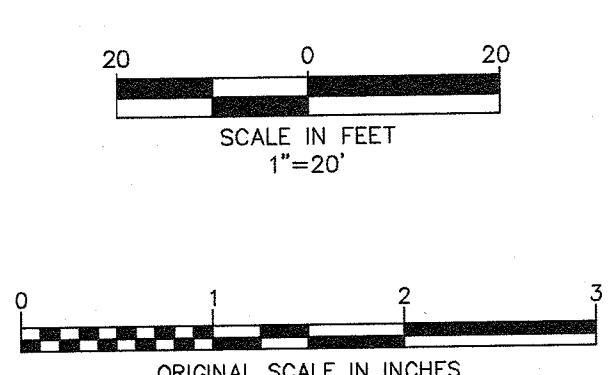
THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEES THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH THE SURVEYOR DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES.

THE CONTRACTOR SHALL COMPLY WITH NEW YORK STATE INDUSTRIAL CODE RULE 753 - 48 HOURS PRIOR TO DIGGING CALL DIGSAFELY NEW YORK 1-800-962-7962 TO HAVE PUBLIC UTILITY LOCATIONS PAINTED.

DEED REFERENCE:
TOSCO OPERATING CO INC TO ROCKLAND CAR CARE INC, DATED APRIL 27, 2001 AND RECORDED IN THE ROCKLAND COUNTY CLERK'S OFFICE ON JULY 23, 2001 IN DEEDS INSTRUMENT ID 2002-00019275, ORIGINAL INSTRUMENT ID 2001-00034487..

TAX PARCEL DESIGNATION:
TOWN OF ORANGETOWN, ROCKLAND COUNTY, NEW YORK
64.17-1-76

FLOOD ZONE NOTE:
PARCELS ARE SHOWN TO LIE WITHIN FLOOD ZONE OTHER AREAS 'ZONE X', AREAS SHOWN DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN, AS SHOWN ON FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), NATIONAL FLOOD INSURANCE PROGRAM (NFIP) FLOOD INSURANCE RATE MAP (FIRM) FOR THE TOWN OF CLARKSTOWN, IDENTIFIED AS MAP NUMBER 36087C0159G BEARING AN EFFECTIVE DATE OF MAY 3, 2014.



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I HEREBY CERTIFY THAT THIS SURVEY MAP IS BASED ON AN ACTUAL FIELD SURVEY COMPLETED JULY 22, 2020 AND THAT THIS SURVEY MAP WAS MADE BY ME OR UNDER MY DIRECTION, AND CONFORMS WITH THE MINIMUM STANDARD OF PRACTICE ADOPTED BY THE NEW YORK STATE ASSOCIATION OF PROFESSIONAL LAND SURVEYORS.

CHAZEN ENGINEERING, LAND SURVEYING,
LANDSCAPE ARCHITECTURE & GEOLOGY CO., D.P.C.

THE Chazen COMPANIES
Please See Employee Owned

www.chazencompanies.com
(888) 639-9073

Office Locations:

- Glen Falls, NY
- Dutchess, NY
- Poughkeepsie, NY
- White Plains, NY
- New York City, NY

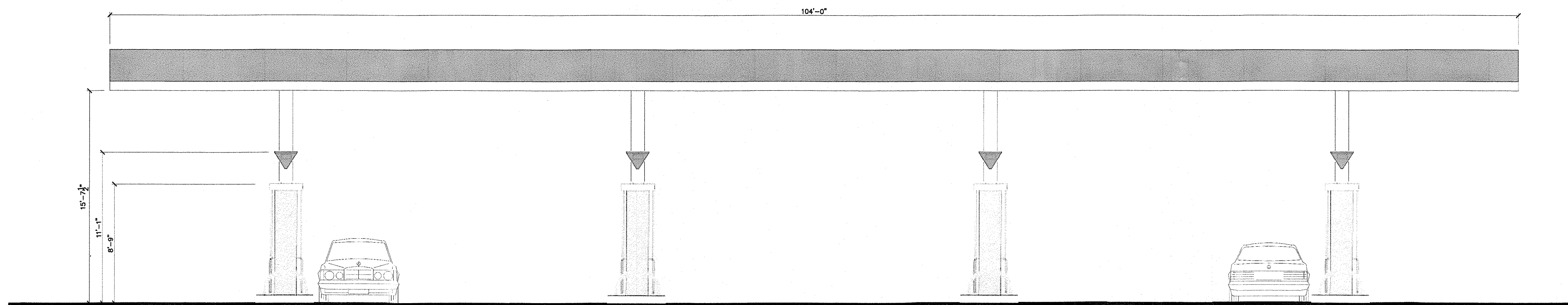
rev.	date	description

552 NORTH MIDDLETOWN AVENUE

**MAP OF SURVEY
PREPARED FOR
GAS LAND PETROLEUM**

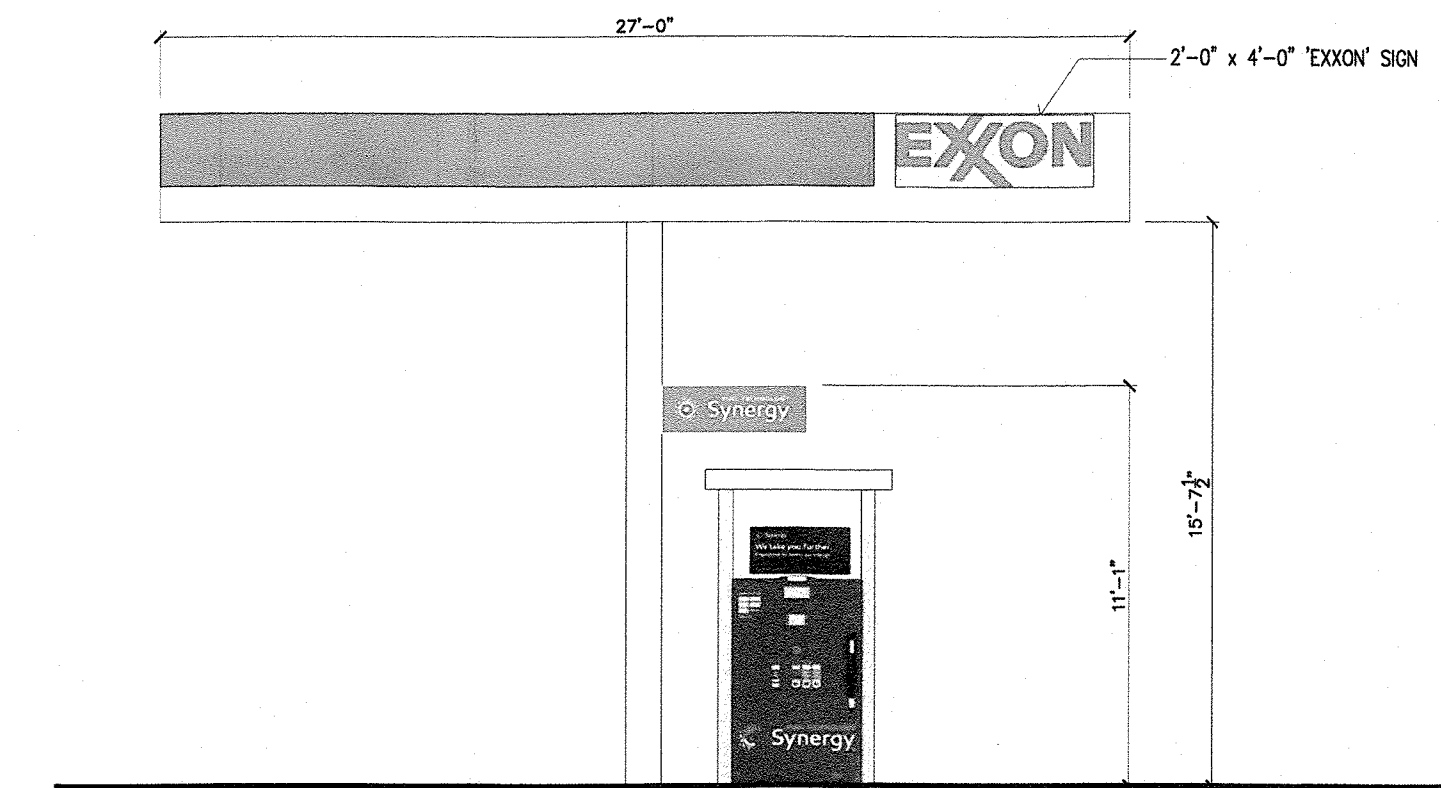
PEARL RIVER, TOWN OF ORANGETOWN, ROCKLAND COUNTY, NEW YORK

designed	checked
MTH	AMT
date	scale
08/20/20	1"=20'
project no.	B1953.00
sheet no.	SV1



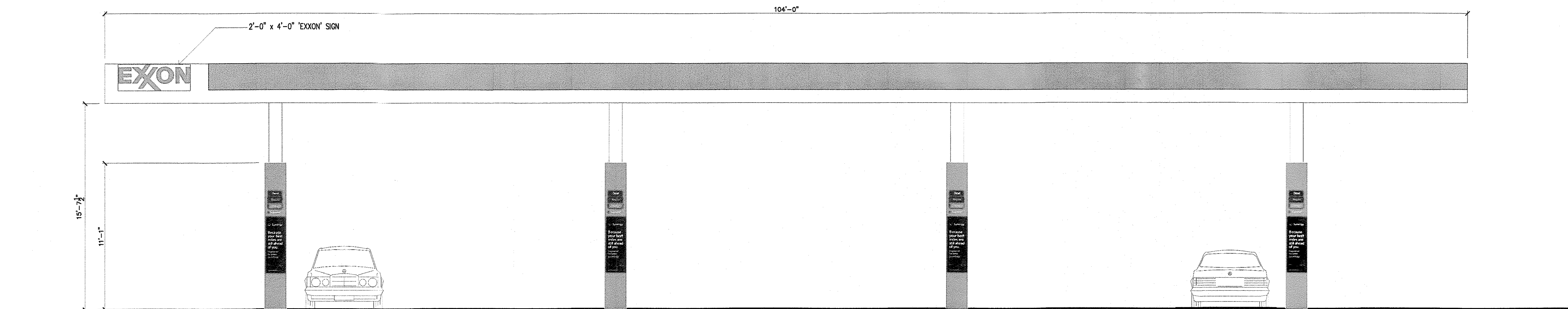
REAR ELEVATION

SCALE: 3/16" = 1'-0"



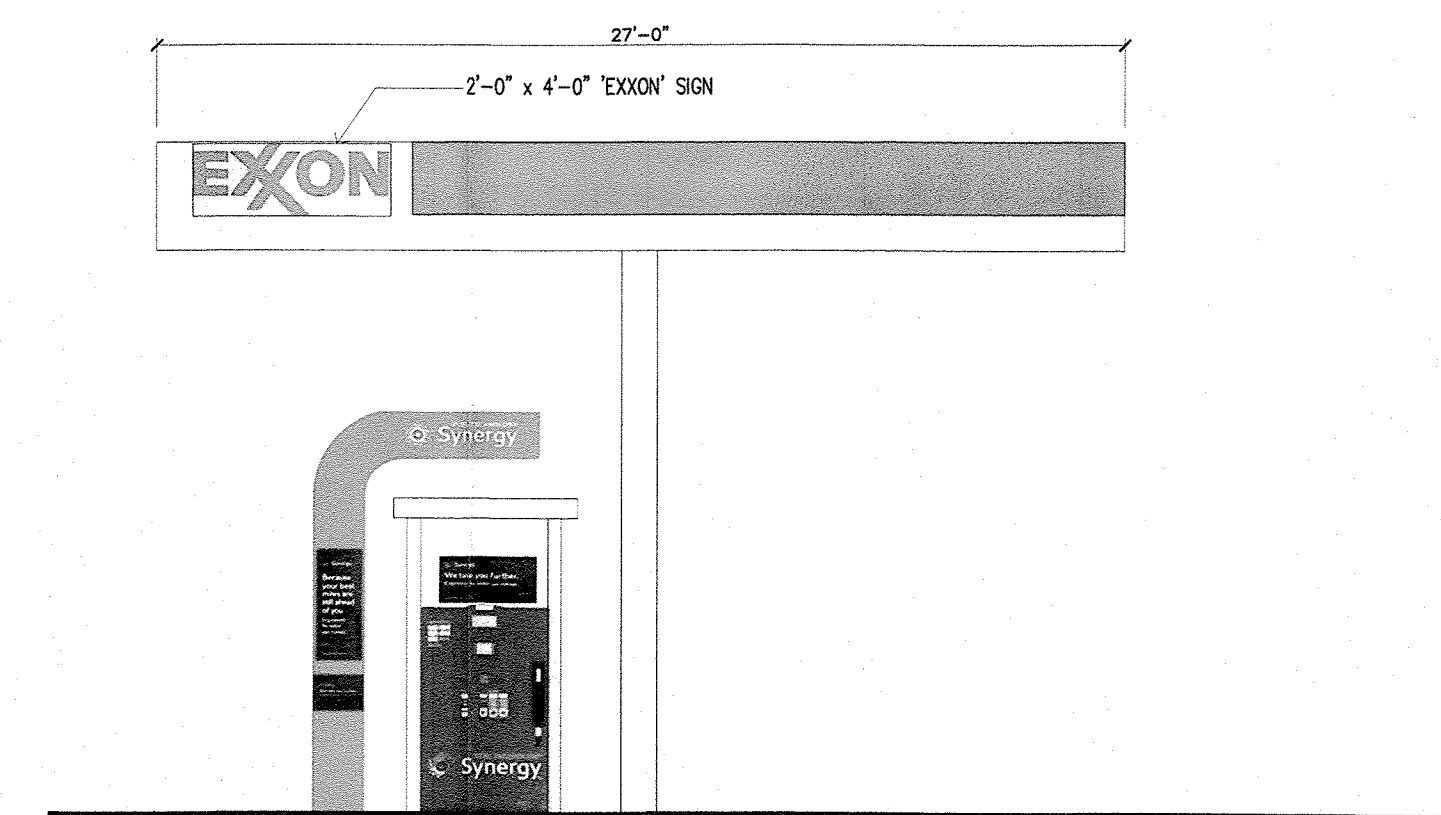
RIGHT SIDE ELEVATION

SCALE: 3/16" = 1'-0"



FRONT ELEVATION

SCALE: 3/16" = 1'-0"



LEFT SIDE ELEVATION

SCALE: 3/16" = 1'-0"

NEW EXXON GAS CANOPY FOR:

Rockland Car Care - Pearl River

HAMLET OF PEARL RIVER, ROCKLAND COUNTY, NEW YORK

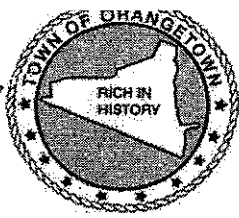
M. GILLESPIE & ASSOCIATES
 CONSULTING ENGINEERING, P.L.L.C.
 847 ROUTE 376 - WAPPINGERS FALLS, NY 12590
 P. (845) 227-6227 F. (845) 226-1430
 WWW.MGILLESPIEASSOCIATES.COM

PROJECT No. 2021.033
 DRAWN BY: S.G.
 CHECKED BY: J.S.
 REVISIONS
 FEBRUARY 19, 2021

NYSPE #074666

SHEET No.

A
 1



OFFICE OF BUILDING, ZONING, PLANNING,
ADMINISTRATION AND ENFORCEMENT
TOWN OF ORANGETOWN
20 Greenbush Road
Orangeburg, N.Y. 10962

Jane Slavin, R.A.
Director

(845)359-8410

Fax: (845) 359-8526

DENIAL TO THE ZONING BOARD OF APPEALS

Date: May 25, 2021

Applicant: Rockland Car Care

Address: 552 north Middletown Rd, Pearl River, NY

RE: Application Made at: same

Chapter 43, Table 3.11, Column 1- CO District, Column 5- Note #6 : Total sign area shall not exceed 12 sf w/ 173.6 sf proposed

Section: 64.17

Block: 1

Lot: 76

Dear Rockland Car Care:

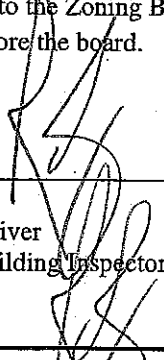
Please be advised that the Building Permit Application, which you submitted on

October 8, 2021, has been denied. I have enclosed a Xerox copy of your application, where you will find at the bottom the reason for denial.

In Accordance with Zoning, Chapter 43 Section 10.322 the time to appeal a determination of a Building Inspector or Similar administrative office is thirty (30) days from the filing of such a determination with the Town Clerk.

The Clerk to the Zoning Board of Appeals, Debbie Arbolino, will assist you in the preparation necessary to appear before the board.

Sincerely,


Richard Oliver
Deputy Building Inspector

5.25.21

Deputies

5.25.21

Signature of Director
NOTE: PLEASE KEEP FOR YOUR RECORDS
12-31-18-CCC

Date
CC: Rosanna Sfraga
Liz Decort
Debbie Arbolino

PERMIT EXPIRES TWO (2) YEARS FROM DATE OF ISSUANCE.
 TWO SIX (6) MONTH EXTENSIONS MAY BE GRANTED PRIOR TO EXPIRATION DATE.
APPLICATION FOR BUILDING / DEMOLITION PERMIT
TOWN OF ORANGETOWN

20 Greenbush Road, Orangeburg, NY 10962 Phone: (845) 359-8410 Fax: (845) 359-8526

Mike

ZONE: CO **OFFICIAL USE ONLY** **ACREAGE:** 1.55
Inspector: Steve **Date App Received:** 10-8-2020 **Received By:** mail
Permit No. 50641 **Date Issued:** _____
CO No. _____ **Date Issued:** _____
Permit Fee: 1,932 **Ck#** 2545 **Paid By:** Rockland Car Care
GIS Fee: 190 **Ck#** 2543 **Paid By:** " "
Stream Maintenance Fee 30 **Ck#** 2544 **Paid By:** Rockland Car Care
Additional Fee: _____ **Ck#** _____ **Date Paid** _____ **Paid By** _____
1st 6 mo. Ext.: _____ **Ck#** _____ **Exp. Date:** _____ **Paid By** _____
2nd 6 mo. Ext.: _____ **Ck#** _____ **Exp. Date:** _____ **Paid By** _____

APPLICANT COMPLETES:

Note: See inside for instructions for completing this application,
PAGES 2, 3 and PAGE 4 must be reviewed and PAGES 3 & 4 must signed by the applicant.

Property Location: 552 North Middletown Road, Pearl River, NY 10965
Section: 64.17 **Block:** 1 **Lot:** 76
Property Owner: Joseph Ianuzzi
Mailing Address: 552 North Middletown Road, Pearl River, NY 10965
Email: jrckind552@yahoo.com **Phone #:** 845-735-7550
Lessee (Business Name): Rockland Car Care
Mailing Address: 552 North Middletown Road, Pearl River, NY 10965
Email: jrckind552@yahoo.com **Phone #:** 845-735-7550
Type of Business /Use: Auto Repair Shop, Convenience Store, and Fueling Station
Contact Person: Christopher Lapine **Relation to Project:** Consultant
Email: clapine@chazencompanies.com **Phone#:** 845-486-1478
Architect/Engineer: Lawrence R. Pilon, P.E. **NYS Lic #** 073336
Address: 51 Mapleview Drive, Pennellville, NY 13132 **Phone#:** 315-676-3116
Builder/General Contractor: United Pump & Tank Inc. **RC Lic #** _____
Address: 120 Kingsview Road ; Wallkill NY 12589 **Phone#:** 845-787-3984
Plumber: _____ **RC Lic #** _____
Address: _____ **Phone#:** _____
Electrician: _____ **RC Lic #:** _____
Address: _____ **Phone#:** _____
Heat/Cooling: _____ **RC Lic#:** _____
Address: _____ **Phone#:** _____
Existing use of structure or land: Auto Repair Shop, Convenience Store, and Fueling Station
Proposed Project Description: Installation of a 27-foot by 104-foot canopy over existing pump islands
Proposed Square Footage: 2,808 sf **Estimated Construction Value (\$):** 100,000

BUILDING DEPARTMENT COMPLETES BELOW

PLANS REVIEWED: _____

PERMIT REFERRED / DENIED FOR:

P.B. Chapter 11, Section 11-A-4 Site development plan approval required.

Z.B. Column 1-CO District, Column 5 Note 6 Max Sign Area 12 Square Feet 10/15/2020 w/ 173.6 SF Proposed.

Deputy 10/15/2020
 zoning - front 1/2
11/11/20

FOR OFFICE USE ONLY
RECEIVED
SECTION 101
TOWN OF ORANGETOWN BUILDING DEPARTMENT
2020
BLOCK 1 LOT 76
NAME Rockland Car Care
PERMIT# 50641

Rockland County

Ed Day, Rockland County Executive

DEPARTMENT OF PLANNING

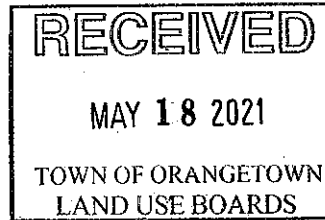
Dr. Robert L. Yeager Health Center
50 Sanatorium Road, Building T
Pomona, New York 10970
Phone: (845) 364-3434 Fax: (845) 364-3435

Douglas J. Schuetz
Acting Commissioner

Arlene R. Miller
Deputy Commissioner

May 18, 2021

Orangetown Zoning Board of Appeals
21 Greenbush Road
Orangeburg, NY 10962
Tax Data: 64.17-1-76



Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M
Map Date: 8/20/2020

Date Review Received: 4/27/2021

Item: ROCKLAND CAR CARE (O-173H)

Variations to permit the construction of a 17.5 foot tall, 2,808 SF canopy over the fuel pumps at an existing gas station located on 1.56 acres in the CO zoning district. The site also contains a 1,5467 SF convenience store and ten service bays. The variations required include front yard setback and height for the canopy. A sign area variance will also be required.
Northeast corner of North Middletown Road and West Townline Road

Reason for Referral:

North & South Middletown Road (CR 33), West Townline Road (CR 42), Town of Clarkstown

The County of Rockland Department of Planning has reviewed the above item. Acting under the terms of the above GML powers and those vested by the County of Rockland Charter, I, the Commissioner of Planning, hereby:

****Recommend the following modifications***

1 The applicant is proposing to install three 8 SF signs on the proposed canopy, for a total of 24 SF. As per Column 5 of the Table of General Use Regulations, the maximum total sign area for the CO zoning district is 12 SF. Because the proposed sign area is double what is permitted, an additional variance application is required. We request the opportunity to review the sign area variance, as required by NYS General Municipal Law.

Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Teresa Kenny, Orangetown
Rockland County Department of Highways

The Chazen Companies
Town of Clarkstown

ROCKLAND CAR CARE (O-173H)

**NYS General Municipal Law Section 239 requires a vote of a 'majority plus one' of your agency to act contrary to the above findings. The review undertaken by the Rockland County Planning Department is pursuant to, and follows the mandates of Article 12-B of the New York General Municipal Law. Under Article 12-B the County of Rockland does not render opinions, nor does it make determinations, whether the item reviewed implicates the Religious Land Use and Institutionalized Persons Act. The Rockland County Planning Department defers to the municipality forwarding the item reviewed to render such opinions and make such determinations if appropriate under the circumstances.*

In this respect, municipalities are advised that under the Religious Land Use and Institutionalized Persons Act, the preemptive force of any provision of the Act may be avoided (1) by changing a policy or practice that may result in a substantial burden on religious exercise, (2) by retaining a policy or practice and exempting the substantially burdened religious exercise, (3) by providing exemptions from a policy or practice for applications that substantially burden religious exercise, or (4) by any other means that eliminates the substantial burden.

Proponents of projects are advised to apply for variances, special permits or exceptions, hardship approval or other relief.

Pursuant to New York State General Municipal Law §239-m(6), the referring body shall file a report of final action it has taken with the Rockland County Department of Planning within thirty (30) days after final action. A referring body which acts contrary to a recommendation of modification or disapproval of a proposed action shall set forth the reasons for the contrary action in such report.

ZONING BOARD OF APPEALS

Town of Orangetown
20 Greenbush Road
Orangeburg, New York 10962
(914) 359-8410 (ex. 4331)

Date: April 27, 2021

TO: OBAPAE

- Environmental Management and Engineering
- ✓Rockland County Sewer District #1
- New York State Dept. of Transportation
- Palisades Interstate Park Commission
- Orange and Rockland Utilities
- Orangetown Highway
- Fire Prevention (Performance Standards)

RECEIVED
 MAY 6 2021
 TOWN OF ORANGETOWN
 LAND USE BOARDS

RECEIVED
ROCKLAND COUNTY HWY DEPT.

2021 APR 29 A 11:33

- Rockland County Drainage ✓
- Rockland County Health ✓
- Rockland County Planning ✓
- Rockland County Highway ✓
- NYS DEC
- US Army Corps

Town of
Clarkstown
response
included

Review of Plans: Rockland Car Care, 552 North Middletown Road, Pearl River, NY
Section 64.17 Block 1 Lot 76 CO zone
This matter is scheduled for:

Chapter 43, CO District, Group NN, Section 312, Column 8 (Front Yard: 30' required, 27.3' proposed), 12 (Canopy Height: 13.65' permitted, 17.5') for a canopy at an existing service station

Please review the information enclosed and provide comments. These comments may be mailed, e-mailed or faxed to the Zoning Board Office.

If your Agency does not have any comments at this time, please respond to this office by sending back this sheet.

- US Postal: 20 South Greenbush Road, Orangeburg, NY 10962
- Email to Zoning Board: darbolino@orangetown.com or
- Fax to the Town of Orangetown ZBA @845 359 8526

Zoning Board Meeting Date: June 23, 2021

- Comments attached
- No Comments at this time. Please send future correspondence for review.
- No future correspondence for this site should be sent to this agency. Plans reviewed and this agency does not have any further comments.
- This project is out of the jurisdiction of this agency and has no further comments.

This project is before the Zoning Board on **Wednesday, June 23, 2021**. Kindly forward your completed review to this office by **June 23, 2021**.

Reviewing Agency Rockland County Hwy Dept

Name Dyan Rajasingham date: 05.06.21

Signature: 

Thank you, Deborah Arbolino

TOWN OF CLARKSTOWN
DEPARTMENT OF PLANNING

JOSE C. SIMOES, Principal Planner
JAMES CREIGHTON, Senior Planner
10 MAPLE AVENUE
NEW CITY, NEW YORK 10956-5099
(845) 639-2070
(845) 639-2071 (fax)
planning@clarkstown.org

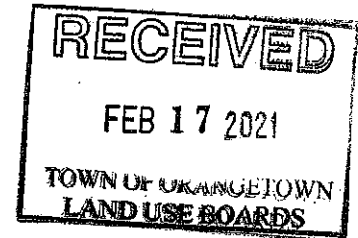


TOWN OF CLARKSTOWN
PLANNING BOARD

GILBERT J. HEIM, Chairman
RUDOLPH J. YACYSHYN, Vice Chairman
PETER E. STREITMAN, Member
EDWARD J. GUARDARO, JR., Member
PHILLIP DEGAETANO, Member
DOUGLAS B. KATZ, Member
EDWARD BERTOLINO, Member

February 12, 2021

Cheryl Coopersmith
Clerk to the Planning Board
20 Greenbush Road
Orangeburg, New York 10962



RE: Town of Orangetown Referral: Rockland Car Care Canopy

Dear Ms. Coopersmith:

The Planning Board reviewed the above referral at their February 3, 2021 meeting.

After a brief discussion, on a Motion of Katz, Seconded by DeGaetano, and carried 6:0, with Ayes of Heim, Streitman, Guardaro and Bertolino **the Planning Board of the Town of Clarkstown deemed the matter for local determination.**

Thank you for this opportunity to review this matter. Please do not hesitate to call me if you have any questions.

Sincerely,

Gilbert J. Heim
Chairman

CC: Rockland County Planning
Clarkstown Planning Board

DECISION

**CHANGE OF ONE NON-CONFORMING USE TO ANOTHER APPROVED
PARKING STANDARD APPLICABLE TO "RETAIL SALES AND SERVICE"**

To: Howard Geneslaw

ZBA # 07-43

One Pennsylvania Plaza 37th fl.

Date: 5/2/07

New York, New York 10119

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#07-42: Application of Quick Chek Corporation for a variance from Chapter 43, Section 9.32 which specifically states: "Change of use. Any nonconforming use may be changed to any conforming use or, on application to and with approval of the Board of Appeals, to any use which the Board of Appeals deems to be more in character with the uses permitted in the district in which the said change of use is proposed." The current use on the property is Rockland Car Care, which is a nonconforming use and the proposed use, Quick Chek food store, is also a nonconforming use. Application requires 35 parking spaces and 35 parking spaces are provided the applicant is requesting an interpretation whether seating justifies an increase in the number of parking spaces required. Premises are located at 552 North Middletown Road, Pearl River, New York and are identified on the Orangetown Tax Map as Section 64.17, Block 1 Lot 76; CO District.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Thursday, May 2, 2007 at which time the Board made the determination hereinafter set forth.

Howard Geneslaw, Attorney, Robert Vallerio, Vice President, Real Estate Quick Chek Corporation and Jeff Martell, Bohler Engineering, appeared and testified.

The following documents were presented:

1. Memorandum dated March 2, 2007 from John Giardiello, P.E., Director, Office of Building, Zoning and Planning Administration and Enforcement, Town of Orangetown.
2. Project Description revised March 7, 2007 (3 pages).
3. Written submission in support of application for determination pursuant to Section 9.32 of the Zoning Law and for an interpretation concerning parking requirements (13 pages).
4. Two page plan from Bohler Engineering dated 3/7/07 signed and sealed by Robert L. Striker, P.E.
5. One page architectural plan not dated, signed and sealed by Gary Kliesch, A.I.A.
6. Planning Board Consultation #07-07 dated January 24, 2007.
7. Zoning Board of Appeals Decision #05-77 dated November 2, 2005.
8. A letter dated April 23, 2007 from the County of Rockland Department of Planning signed by Salvatore Corallo, Commissioner of Planning.
9. A letter April 9, 2007 from the County of Rockland Drainage Agency signed by Edward F. Devine, Executive Director.
10. A memorandum dated March 29, 2007 from Michael B. Bettman, Orangetown Fire Inspector.
11. A letter dated April 30, 2007 from the Town of Clarkstown, signed by Jose Simoes, Clarkstown Town Planner.
12. A letter dated May 2, 2007 from the County of Rockland Sewer District No. 1 signed by Joseph LaFiandra, Engineer III.

Seqra determination shall be determined at the time of site plan review by the Planning Board.

TOWN OF ORANGETOWN

Howard Geneslaw, Attorney, testified that the applicant is before the Board to request a determination from the Board regarding this proposal for a use that is more conforming than the pre-existing non-conforming use present of this parcel and for an interpretation to parking in the CS zone with tables taking up 400 sq. ft. of space; that Section 9.32 of the Zoning Code permits a change from one non-conforming use to another more conforming use, subject to approval of the Zoning Board of Appeals; that the change from auto repair with fuel sales, to retail store with fuel sales constitutes a change to a more conforming use; Quick Chek Corporation is a privately owned, family operated company with over 100 food stores in 15 counties throughout New Jersey; that they are embarking upon long term expansion into New York; that the proposed store would sell products that would be typical in a grocery store and hamburgers, produce, a deli, bakery; that sale of fuel would continue at eight fueling islands beneath a canopy at the front of the food store; that they are also requesting that the Board determine if the parking requirements for retail sales and service would be sufficient for the proposed operation of 6200 sq. ft. which would include 400 sq. ft. of that space for tables; that these tables would be for the convenience of customers having coffee or ordering from the deli; and that the standard for parking be held to the "retail sales and service" section of the code based on the gross floor area of the proposed food store; and that they will comply with all of the comments from interested agencies at the Planning Board level.

Public Comment:

Donald Brenner, Attorney, testified that this is very unorthodox; that the applicant should have gotten a preliminary from the Planning Board before coming to the Zoning Board; that by permitting this, an existing business with a Certificate of Occupancy will be put out of business.

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.

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:

1. The requested change of use pursuant to § 9.32 would not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. By eliminating the nonconforming automobile service component of the existing use and developing a food store with fuel sales, the subject property will be in greater conformity with the uses permitted in the CO zoning district.
2. The requested change of use pursuant to § 9.32 would not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.
3. The benefits sought cannot be achieved by other means feasible for the applicant other than obtaining a determination pursuant to Section 9.32.

TOWN CLERKS OFFICE

TOWN OF ORANGE TOWN

DECISION: In view of the foregoing and the testimony and documents presented, the Board: RESOLVED, that the application for the requested change of use pursuant to § 9.32 and the parking standard applicable to "retail sales and service" 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

7 JUN -8 AM 107

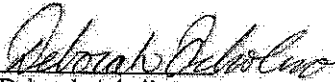
TOWN OF ORANGETOWN

The foregoing resolution to approve the application for the requested change of use pursuant to § 9.32 and the parking standard applicable to "retail sales and service" was presented and moved by Mr. Mowerson, seconded by Ms. Albanese, and carried as follows: Mr. Sullivan, aye; Mr. Mowerson, aye; Ms. Albanese, aye; Mr. Doherty, aye; and Ms. Castelli, aye.

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 2, 2007

ZONING BOARD OF APPEALS
TOWN OF ORANGETOWN

By 
Deborah Arholino
Administrative Aide

DISTRIBUTION:

APPLICANT
ZBA MEMBERS
SUPERVISOR
TOWN BOARD MEMBERS
TOWN ATTORNEY
DEPUTY TOWN ATTORNEY
QBZPAE
BUILDING INSPECTOR - L.P.

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

TOWN CLERKS OFFICE

JUN - 8 - 2007

TOWN OF ORANGETOWN

SUPPLEMENTAL DECISION -HUMBLE OIL & REFINING COMPANY -

Z.B.A.-70-85

M.21-B.206-L.16

FROM: ZONING BOARD of APPEALS, Town of Orangetown

TO: Mr. Ray L. Sheldon, District Engineer, HUMBLE OIL and REFINING COMPANY, Owner

RE: Revised locations for the pump islands and a revised location for the building in connection with the proposed gasoline filling station to be located at the intersection of North Middletown Road and Town Line Road in the Hamlet of Pearl River.
(Meeting 6/15/70)

At a meeting of the Zoning Board of Appeals on April 15, 1970, this Board granted the necessary variances to the applicant in order to enlarge a non-conforming gasoline filling station located on the easterly side of North Middletown Road at the intersection with Town Line Road in Pearl River.

Mr. Robert J. DiFiore, Director of the Office of Building, Zoning and Planning Administration and Enforcement, appeared at the meeting and advised the members of the Board that he had received a letter from Humble Oil and Refining Company, signed by R. L. Sheldon, Field Engineer, dated June 8, 1970, in which the applicant requested that they be permitted to make certain minor changes in the plot plan which was approved at the meeting of April 15, 1970. The pump islands would be moved back 5 feet and 15 feet northerly to allow better ingress and egress with a more even and flexible traffic flow to these islands. In doing this, the first bay into the service station building would be partially blocked by the pump island nearest the building which would necessitate moving the building back 10 feet and northerly 20 feet. There would be no change in the size of the building or the size of the pump island.

After discussing the matter, the members of the Board were of the opinion that the proposed changes in the plot plan were minimum in nature and that they would result in an over-all better plan which would be beneficial to the public. Approval of these changes would be in the public interest and would promote safety and general welfare in the area.

DECISION: In view of the foregoing, the application is HEREBY APPROVED and the applicant is directed to file revised plans with the Building Department. A building permit may be issued in accordance with the plot plan as so amended.

Motion on the above made by Mr. Kelly, seconded by Mr. Crosbie and carried by majority vote of the Board as follows; Leonard D. Bodkin, Aye; James L. Crosbie, Aye; James F. Moran, Aye; A. Roger Kelly, Aye. (Kenneth A. Aakesson, abstained.)

The Clerk of 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.

Distribution
Town Clerk
Wm. Snair, Esq.
Geo. Bergerman, Esq.
Mr. J. B. Lovett, Spvr.
Mr. R. J. DiFiore
Mr. H. Heiling
Property File-OBZPAE
Mr. O. J. Kuse
Members Zoning Bd.
Members Town Bd.
Chrmn. & Secy., Planning Bd.

ZONING BOARD OF APPEALS
TOWN OF ORANGETOWN -

By: R. H. Fritz
R. H. Fritz, Clerk

Dated: June 16, 1970

DECISION

USE VARIANCE APPROVED WITH CONDITIONS

To: Brian Aitchison (Rockland Car Care)
10 South Broadway
Nyack, New York 10960

ZBA # 05-77
Date: 11 / 2 / 05

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

Re: ZBA# 05-77: Application of Rockland Car Care for variances from Chapter 43, Section 3.11, CO District Column 2 (Retail/Service establishments not permitted by right: Use variance required) and from Section 3.11, LI District, Column 7 # 6 (b) (3 parking spaces plus 1 parking space per auto repair bay = 43 parking spaces required: 27 parking spaces provided) and from Section 3.11, CS District, Column 6 # 4 (One parking space per 200 sq. ft. of retail sales and service: 17 parking spaces required, 0 parking spaces provided) for an extension to an existing non-conforming service station with a proposed food mart addition. The site is located at 552 North Middletown Road, Pearl River, New York and are identified on the Orangetown Tax Map as Section 64.17, Block 1, Lot 76; CO zone.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, November 2, 2005 at which time the Board made the determination hereinafter set forth.

Brian Aitchison, Architect, Joseph Ianuzzi, Proprietor, and Shari Berk, Accountant, appeared and testified.

The following documents were presented:

1. Site plan dated February 11, 2005 signed and sealed by Drazen Cackovic, Architect.
2. A five page letter dated October 15, 2005 from Brian Aitchison, Architect with 3 pages of attached pictures of adjacent properties.
3. A letter dated October 5, 2005 from Shari E. Berk, Certified Public Accountant.
4. Income tax returns from the year 1997 through 2004 for Rockland Car Care.
5. A letter from the County of Rockland Department of Planning dated June 3, 2005 signed by Salvatore Corallo, Commissioner of Planning with an attachment of ZBA decision #70-85 dated June 16, 1970.
6. A letter dated July 6, 2005 from the county of Rockland Department of Planning signed by Salvatore Corallo, Commissioner of Planning.
7. A letter dated July 5, 2005 from the County of Rockland Department of Highways signed by Joseph Arena, Principal Engineering Technician.
8. Seventy-three letters in support of the application.

On advice of Mr. Mulhearn, Attorney to the Zoning Board of Appeals, Mr. Duffy moved for a Board determination that the foregoing application is a Type II action under SEQRA regulations which does not require SEQRA environmental review. The motion was seconded by Mr. Munno and carried as follows: Mr. Sullivan, aye; Ms. Castelli, aye; Mr. Munno, aye; Mr. Mowerson, aye; and Mr. Duffy, aye

Brian Aitchison, Architect, testified that a one time expansion was granted to the property 35 years ago when the building was constructed; that previously a two pump station existed on the site; that this building had been built by Humble Oil as a training

center; that the existing building is 6,000 sq. ft.; that the proposed addition is 1,900' sq. ft.; that financial records for the last six years have been submitted; that this expansion would allow Mr. Ianuzzi to make a profit on the business that he has continually put money into; that Mr. Ianuzzi purchased the property in 1996; that he has spent his entire career working in and operating these type of facilities; that he saw an opportunity to operate a well-designed, community oriented automotive service center; that the property was large and well laid out; that it offered an opportunity to grow and expand a successful business; that despite these positive attributes and due to economic forces beyond Mr. Ianuzzi's control the business has struggled from the beginning; that the operation cannot continue to operate in it's current configuration; that commercial and economic changes that have occurred during his tenure have made the business model of a local community oriented automotive service center increasingly difficult to maintain; that it has been necessary to expand the focus of the business to compete and maintain the financial viability of the operation; that because the building was constructed as a training center it has ten service bays; that the business has never used more than five service bays; that three of these bays are used for parking and two are used for storage; that other business's in this area have received variances from this Board; that the Sunoco at 370 South Middletown Road was granted a variance for its construction in 1952; that in 1984 it was granted an expansion of 158%; and an amendment to that second variance was granted in 1989 for a total 204.8% expansion; that they were permitted to have 14 parking spaces for six bays and 27 spaces were required; that the Orangetown Quick Lube/Car Wash at 558 N. Middletown Road was built in 1969 with a use variance; that in 1986 a second variance was granted permitting an expansion of 111%; that Brickers Automotive at 500 N. Middletown Road was built in 1962 under a use variance; that in 1977 another use variance was granted to convert this into a florist/produce shop; that later in 1977 that use approval was vacated and the use converted back to a service station; that in 1981 another use variance was granted for the parking of up to 20 commercial rental trucks; that Mr. Ianuzzi applied for the food mart four or five years ago; that he has a building permit for the food mart; that he would like to expand this portion of the business to include the drive-up windows because that will meet the needs of today; and that there are 43 parking spaces shown on the plan; that there is a space in the rear of the property for 18 more spaces; that these 18 spaces are land banked but they will pave them if that is what the Board requires; that the drive through plan would be laid out according to the Planning Board's direction; that the drive-up windows would be open until 10:00 P.M.; that people could phone their orders ahead; and that Shari Berk, accountant can explain why the tax returns submitted were not signed.

Shari Berk, Accountant, testified that tax preparer's do not generally keep signed copies of tax returns; that the signed copy is mailed to the government and an unsigned copy is kept in the office and given to the client.

Public Comment:

No public comment.

The Board members made a personal inspection of the premises on Sunday October 30, 2005 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.

TOWN OF ORANGETOWN

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:

1. The requested use variance as conditioned would not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties.
2. The requested use variance as conditioned would not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.
3. The benefits sought cannot be achieved by other means feasible for the applicant other than obtaining variances.

DECISION: In view of the foregoing and the testimony and documents presented, the Board **RESOLVED**, that the application for the requested use variance is **APPROVED** with the **SPEICIFIC CONDITIONS**; (1) that the applicant prove the existence of a certificate of occupancy for the food mart that was established within the building in 2000 or 2001; (2) that the Planning Board determine if the 18 parking spaces shown on the plan dated 10/15/05 proposed as land banked shall either remain as shown or be paved according to the Planning Board's direction; 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.

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Rockland Car Care
ZBA # 05-77
Page 5 of 5

The foregoing resolution to approve the application for the requested use variance as conditioned was presented and moved by Mr. Mowerson, seconded by Ms. Castelli, and carried as follows: Mr. Munno, aye; Mr. Mowerson, aye; Mr. Sullivan, aye; Ms. Castelli, aye; and Mr. Duffy, aye.

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: November 2, 2005

ZONING BOARD OF APPEALS
TOWN OF ORANGETOWN

By 
Deborah Arbolino
Administrative Aide

DISTRIBUTION:

APPLICANT
ZBA MEMBERS
SUPERVISOR
TOWN BOARD MEMBERS
TOWN ATTORNEY
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TOWN OF ORANGETOWN