

ZONING BOARD OF APPEALS

Town of Orangetown

20 Greenbush Road

Orangeburg, New York 10962

(914) 359-8410 (ex. 4331)

Date: February 23, 2023

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

- ✓ Rockland County Drainage
- ✓ Rockland County Health
- ✓ Rockland County Planning
- ✓ Rockland County Highway

Clarkstown

Review of Plans: Pearl River Car Wash, 558 North Middletown Road, Pearl River, NY Section 64.17 Block 1 Lot 77 CO zone

This matter is scheduled for:

Chapter 43, CO District, Section 5.22 Permitted obstruction in required yards, courts and usable open spaces: All required yard, courts and usable open spaces shall be unobstructed except as provided in tis section. (Since required yards, courts and usable open spaces shall be open to the sky, an obstruction shall include the projection of a structure into such space at any level aboveground) for the installation of new vacuums and relocation of vending machines at the existing carwash. The premises are located at 558 North Middletown Road, Pearl River, New York and identified on the Orangetown Tax Map as Section 64.17, Block 1, Lot 77 in the CO zoning district.

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: April 4, 2023

- () 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 **Tuesday, April 4, 2023**. Kindly forward your completed review to this office by April 4, 2023.

Reviewing Agency _____

Name _____ date: _____

Signature: _____

Thank you, Deborah Arbolino

Name of Municipality: TOWN OF ORANGETOWN

Date Submitted: 2-22-23

Please check all that apply:

| | |
|---|---|
| <input type="checkbox"/> Commercial | <input type="checkbox"/> Residential |
| <input checked="" 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 checked="" type="checkbox"/> Variance | |
| <input type="checkbox"/> Performance Standards Review | |
| <input type="checkbox"/> Use Variance | |
| <input type="checkbox"/> Other (specify): _____ | |

PERMIT#: BDC-2654-23
 ASSIGNED
 INSPECTOR: Mike

Referred from Planning Board: YES / NO
 If yes provide date of Planning Board meeting: _____

Project Name: PEARL RIVER CAR WASH VACUUMS

Street Address: 558 N. MIDDLETOWN RD.
PEARL RIVER, N.Y. 10962

Tax Map Designation:

Section: 64.17 Block: 1 Lot(s): 77
Section: _____ Block: _____ Lot(s): _____

Directional Location:

On the EAST side of N. MIDDLETOWN RD., approximately 300 feet NORTH of the intersection of Town Line Rd., in the Town of Orangetown in the hamlet/village of Pearl River

Acreage of Parcel .84
School District PEARL RIVER
Ambulance District Pearl River
Water District Verona

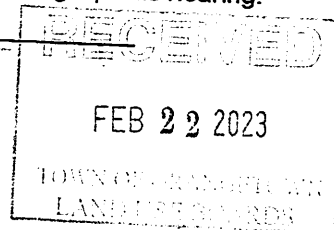
Zoning District CO
Postal District Pearl River
Fire District 1
Sewer District Orangetown

Project Description: (If additional space required, please attach a narrative summary.)

Replace VACUUMS with New VACUUMS.
Relocate Vending MACHINES.

The undersigned agrees to an extension of the statutory time limit for scheduling a public hearing.

Date: 2-21-23 Applicant's Signature: [Signature]



APPLICATION REVIEW FORM

FILL IN WHERE APPLICABLE.

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

If subdivision: N/A

- 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.

N/A

Environmental Constraints:

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

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? NO

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.

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

N/A



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 ZONING BOARD OF APPEALS

Date: 1-27-2023 Section: 64.17 Block: 1 Lot: 77

Applicant: WEIGEL

Address: 558 N MIDDLETOWN ROAD. PEARL RIVER, NY

RE: Application Made at: SAME

Referred For:

§ Chapter 43, Section 5.22, all required yards, courts and usable open spaces shall be unobstructed...

Comments: For new car vacuum equipment

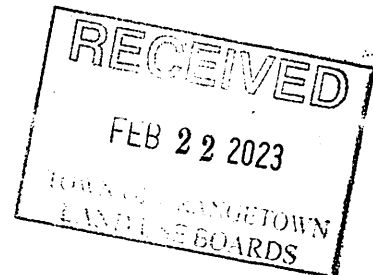
Dear Mr. Weigel:

Please be advised that the Building Permit Application # BLDC-2654-23, which you submitted on 1-18-2023, has been referred to the Town of Orangetown Zoning Board of Appeals. The Clerk to the Zoning Board of Appeals, Debbie Arbolino, can assist you in the preparation necessary to appear before the board. She can be reached at 845-359-8410 ext. 4331 or darbolino@orangetown.com.

Sincerely,

[Signature]
Richard Oliver
Deputy Building Inspector

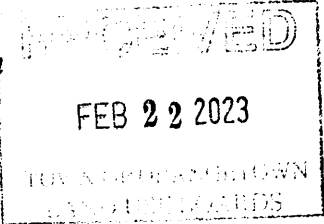
1/27/23



[Signature]
Signature of Director
NOTE: PLEASE KEEP FOR YOUR RECORDS
1-30-2023

1/30/23
Date
Liz DeCort
Debbie Arbolino

Short Environmental Assessment Form
Part 1 - Project Information



Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency, attach additional pages as necessary to supplement any item.

| | | | |
|--|--|------------------------------------|--------------------------|
| Part 1- Project and Sponsor Information | | | |
| Name of Action or Project: <p align="center">PEARL RIVER CAR WASH VACUUMS</p> | | | |
| Project Location (describe, and attach a location map): <p align="center">558 N. MIDDLETOWN RD, PEARL RIVER, N.Y.</p> | | | |
| Brief Description of Proposed Action: <p align="center">REPLACE EXISTING VACUUMS WITH NEW VACUUMS. RELOCATE VENDING MACHINES</p> | | | |
| Name of Applicant or Sponsor: <u>TIMOTHY WEIGL</u> | | Telephone: <u>914-804-2010</u> | |
| Address: <u>775 SIENA VISTA LN.</u> | | E-Mail: <u>tim@softclothes.com</u> | |
| City/PO: <u>VALLEY COTTAGE</u> | | State: <u>N.Y.</u> | Zip Code: <u>10989</u> |
| 1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? | | NO | YES |
| If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2. | | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Does the proposed action require a permit, approval or funding from any other government Agency? | | NO | YES |
| If Yes, list agency(s) name and permit or approval: <u>BUILDING PERMIT</u> | | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. a. Total acreage of the site of the proposed action? | | _____ | acres |
| b. Total acreage to be physically disturbed? | | _____ | acres |
| c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? | | _____ | acres |
| 4. Check all land uses that occur on, are adjoining or near the proposed action: | | | |
| 5. <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) | | | |
| <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (Specify): | | | |
| <input type="checkbox"/> Parkland | | | |

| | | NO | YES | N/A |
|--|--|-------------------------------------|-------------------------------------|-------------------------------------|
| 5. Is the proposed action, | | | | |
| a. A permitted use under the zoning regulations? | | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b. Consistent with the adopted comprehensive plan? | | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 6. Is the proposed action consistent with the predominant character of the existing built or natural landscape? | | <input type="checkbox"/> | | <input checked="" type="checkbox"/> |
| 7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____ | | <input type="checkbox"/> | | <input type="checkbox"/> |
| 8. a. Will the proposed action result in a substantial increase in traffic above present levels? | | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b. Are public transportation services available at or near the site of the proposed action? | | <input type="checkbox"/> | | <input checked="" type="checkbox"/> |
| c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action? | | <input type="checkbox"/> | | <input checked="" type="checkbox"/> |
| 9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____ | | <input type="checkbox"/> | | <input checked="" type="checkbox"/> |
| 10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ | | <input type="checkbox"/> | | <input checked="" type="checkbox"/> |
| 11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ | | <input type="checkbox"/> | | <input checked="" type="checkbox"/> |
| 12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? | | <input checked="" type="checkbox"/> | | <input type="checkbox"/> |
| b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory? | | <input checked="" type="checkbox"/> | | <input type="checkbox"/> |
| 13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? | | <input checked="" type="checkbox"/> | | <input type="checkbox"/> |
| b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? | | <input type="checkbox"/> | | <input type="checkbox"/> |
| If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ | | | | |

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:
 Shoreline Forest Agricultural/grasslands Early mid-successional
 wetland Urban Suburban

15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?
 NO YES

16. Is the project site located in the 100-year flood plan?
 NO YES

17. Will the proposed action create storm water discharge, either from point or non-point sources?
 If Yes,
 a. Will storm water discharges flow to adjacent properties?
 NO YES
 b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?
 NO YES
 If Yes, briefly describe:

18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)?
 If Yes, explain the purpose and size of the impoundment:

19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?
 If Yes, describe:

20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?
 If Yes, describe:

I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE

Applicant/sponsor/name: Timothy Weigel Date: 2-21-23
 Signature: X [Signature] Title: OWNER

PRINT FORM

DECISION

SIDE YARD VARIANCE APPROVED WITH CONDITION

To: Tim Weigel (Pearl River Car Wash)
2 Herald Court
Valley Cottage, New York 10989

ZBA # 10-08
Date: February 3, 2010

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#10-08: Application of Pearl River Car Wash for a variance from Chapter 43 (Zoning) of the Code of the Town of Orangetown, CO District, Section 3.12, Group NN, Column 9 (Side Yard; 35' required, 11' proposed) for two additional pay stations with canopy. The premises are located at 558 North Middletown Road, Pearl River, New York, and are identified on the Orangetown Tax Map as Section 64.17, Block 1, Lot 77; CO zone.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, February 3, 2010 at which time the Board made the determination hereinafter set forth.

At the January 20, 2010 meeting Tim Weigel appeared and testified.

The following documents were presented:

1. Site plan dated 10/28/09 signed and sealed by Robert G. Torgersen, A.S.L.A..
2. Two letters dated January 6, 2010 and February 1, 2010 from the County of Rockland Department of Highways signed by Sonny Lin, P. E..
3. A letter dated December 14, 2009 from the State of New York Department of Transportation signed by Mary Jo Russo, P.E., Rockland County Permit Engineer.
4. A letter dated January 4, 2010 from the County of Rockland Department of Planning signed by Salvatore Corallo, Commissioner of Planning.
5. Four pictures of the proposed stations and canopy.
6. Auto cashiers save the day (2 pages).
7. Writing in favor of express exterior management (2 pages).
8. Earth ready, express exterior challenges CA's Hand wash mindset (4 pages).
9. A CD with Tidal Car Wash, Marc-1 Car Wash, Finish Line Car Wash, and Goo Goo Car Wash.

Ms. Castelli made a motion to open the Public Hearing which motion was seconded by Ms. Salomon and carried unanimously.

On advice of Dennis Michaels, Deputy Town Attorney, counsel to the Zoning Board of Appeals, Ms. Castelli moved for a Board determination that the foregoing application is a Type II action exempt from the State Environmental Quality Review Act (SEQRA) pursuant to SEQRA Regulations §617.5 (c) (7); which does not require SEQRA environmental review. The motion was seconded by Ms. Salomon and carried as follows: Ms. Castelli, aye; Ms. Salomon, aye; and Mr. Sullivan, aye. Mr. Mowerson was absent. Ms. Albanese was not present for this part of the hearing.

EX 50 22 01
10 FEB 22 01
At the January 20, 2010 meeting Tim Weigel testified that he would like to install two auto pay stations under a canopy to help with the flow of cars through the car wash; that the pay stations accept cash or credit cards; that there would be designated lanes for car was and a third for oil changes; that theses systems have been very successful in other areas; that they area a way to keep track of money and the types of services that are most

popular; that they are also a good tool to sell products; that the Board visited the property on Saturday, which was one of the first nice days and the car wash was very busy because people were washing the salt off their cars; that this happens a few times a year; that he would like a continuance to bring the Board more information regarding the pay stations.

At the meeting of February 3, 2010 Roger Memolo and Tim Weigel appeared and testified.

Tim Weigel testified that he hoped the CD and written information regarding the pay stations were helpful to the Board; that the side yard he is requesting is for the canopy covering the pay stations; that he has no problem complying with the signs and stripping that the County Highway is requesting; that the canopy has no effect on traffic; that when it is exceptionally busy they have men outside directing traffic; that he does not own the gas station next door; and that he would like to have an EZ pass type sticker for customers to use also.

Public Comment:

No public comment.

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.

Ms. Castelli made a motion to close the Public Hearing which motion was seconded by Ms. Salomon and carried unanimously.

FINDINGS OF FACT AND CONCLUSIONS:

After personal observation of the property, hearing all the testimony and reviewing all the documents submitted, the Board found and concluded that the benefits to the applicant if the variance(s) are granted outweigh the detriment (if any) to the health, safety and welfare of the neighborhood or community by such grant, for the following reasons:

1. The requested side yard variance will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The applicant can install the pay stations without the large overhead canopy that requires the side yard variance, but has agreed to comply with the conditions of the County of Rockland Department of Highways letter dated February 1, 2009.
2. The requested side yard variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The applicant has agreed to comply with the conditions of the County of Rockland Department of Highways letter dated February 1, 2009.
3. The benefits sought by the applicant cannot be achieved by other means feasible for the applicant to pursue other than by obtaining variances. The applicant can install the pay stations without the large overhead canopy that requires the side yard variance but has agreed to comply with the conditions of the County of Rockland Department of Highways letter dated February 1, 2009.

4. The requested side yard variance, although substantial, will not have an adverse effect or impact on the physical or environmental conditions of the area, for the reasons stated above.
5. The applicant purchased the property subject to Orangetown's Zoning Code (Chapter 43) and is proposing a new addition and/or improvements, so the alleged difficulty was self-created, which consideration was relevant to the decision of the Board of Appeals, but did not, by itself, preclude the granting of the area variances.

DECISION: In view of the foregoing and the testimony and documents presented, the Board: RESOLVED, that the application for the requested side yard variance is APPROVED with the SPECIFIC CONDITION that the applicant demonstrate a means by which two (2) stacking lanes and the "kwik" lube lane can be orderly maintained and demonstrate that there will be no additional disruption of traffic along North Middletown Road; the applicant is to present a striping plan (to Rockland County Highway Dept.) of the lot to clarify how many internal stacking spaces will be maintained and the locations where merging of vehicles will occur; 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.

The foregoing resolution to approve the application for the requested side yard variance was presented and moved by Ms. Salomon, seconded by Ms. Castelli, and carried as follows: Mr. Sullivan, aye; Ms. Salomon, aye; and Ms. Castelli, aye. Ms. Albanese was absent for this hearing. Mr. Mowerson was absent.

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: February 3, 2010

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 CLERK'S OFFICE

FEB 22 10 43

TOWN OF ORANGETOWN

**ZBA SEQRA FINDINGS & MOTIONS
FOR "TYPE II" EXEMPT ACTIONS:
FOR ZBA PUBLIC HEARINGS OF 02/03/2010**

MM 02/03/2010

#10-08 (Pearl River Car Wash, Applicant):

"Based upon the testimony heard by this Board, and the facts as presented in the application submissions and in the record, since application ZBA number 10-08 (Pearl River Car Wash, Applicant)

- ⇒ seeks area or bulk variances for construction or expansion of a primary or accessory/appurtenant, non-residential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls;

this application is exempt from environmental review under the State Environmental Quality Review Act pursuant to SEQRA Regulations 617.5(c)(7).

If you don't have any questions or comments, any Board member may adopt my legal opinion as a motion, if you wish."

#10-09 (Gerard & Tara PRENDERGAST, Applicant), #10-10 (Paul & Carol AFANSEWICZ, Applicant), #10-11 (Sean & Kathy LYNSKEY, Applicant), and #10-12 (Bruce SCHWEIZER, Applicant):

"Based upon the testimony heard by this Board, and the facts as presented in the application submissions and in the record, since application ZBA numbers 10-09 (Gerard & Tara PRENDERGAST, Applicant), 10-10 (Paul & Carol AFANSEWICZ, Applicant), 10-11 (Sean & Kathy LYNSKEY, Applicant), and 10-12 (Bruce SCHWEIZER, Applicant)

- ⇒ seek to construct or expand a single-family, a two-family or a three-family residence on an approved lot;
- ⇒ seek to construct, expand or place a minor accessory/appurtenant residential structure;
- ⇒ seek area or bulk variances for construction or expansion of, or relating to, a single-family, two-family or three-family residence; and/or
- ⇒ seek only setback or lot line variances;

these applications are exempt from environmental review under the State Environmental Quality Review Act pursuant to SEQRA Regulations 617.5(c)(9), (10), (12) and/or (13).

If you don't have any questions or comments, any Board member may adopt my legal opinion as a motion, if you wish."

DECISION

§ 3.11, COLUMN 5 PARAGRAPH 6: SIGN SIZE VARIANCE APPROVED

To: Bob Behles (Soft Cloth Carwash)
60 N. Harrison Avenue
Congers, New York 10920

ZBA #20-03
Date: February 5, 2020
Permit #48828

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#20-03: Application of Soft Cloth Car Wash for a variance from Zoning Code (Chapter 45) of the Town of Orangetown Code, CO District, Section 3.11, Column 5 Paragraph 6 (12 sq. ft. of signage permitted 428.18 sq. ft. existing, 605. 20 sq. ft. proposed) for the replacement of canopies and signs at an existing carwash. The carwash is located at 558 North Middletown Road, Pearl River, New York and are identified on the Orangetown Tax Map as Section 64.17, Block 1, Lot 77 in the CO zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, February 5, 2020 at which time the Board made the determination hereinafter set forth.

Maureen Flynn, Designer, Sign Creations, appeared and testified.

The following documents were presented:

1. Six pages of pictures of existing signage.
2. Four pages of proposed signage.
3. Site plan prepared by (no name) dated October 16, 2019.
4. ZBA Decision #70-167 dated 12/16/1970.
5. A letter dated December 11, 2019 from the Rockland County Department of Planning signed by Douglas J. Schuetz, Acting Commissioner of Planning.
6. A letter dated November 18, 2019 from the Rockland County Highway Department signed by Dyan Rajasingham, Engineer III.
7. A letter dated January 2, 2020 from the Rockland County Sewer District No. 1 signed by Joseph LaFiandra, Engineer II.
8. No comment form from Rockland County Department of Health signed by Elizabeth Mello dated 12/30/ 2019.

Mr. Sullivan, Chairman, made a motion to open the Public Hearing which motion was seconded by Ms. Castelli and carried unanimously.

On advice of Denise Sullivan, Deputy Town Attorney, counsel to the Zoning Board of Appeals, Mr. Sullivan moved for a Board determination that based upon the testimony heard by this Board, and the facts presented in the application, submissions and in the record, since this application seeks area or bulk variances for the construction or expansion of a primary or accessory or appurtenant, non-residential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent

TOWN OF ORANGETOWN
2020 FEB 13 P 1:36
TOWN CLERK'S OFFICE

with local land use controls, this application is a Type II action exempt from the State Environmental Quality Review Act (SEQRA), pursuant to SEQRA Regulations §617.5 (c) (9); which does not require SEQRA environmental review. The motion was seconded by Ms. Castelli and carried as follows: Mr. Bosco, aye; Mr. Sullivan, aye; Mr. Quinn, aye; Mr. Bonomolo, aye; and Ms. Castelli, aye.

Maureen Flynn, sign designer, testified that they are proposing a standing seem awning that would clean up the façade and come out four feet from the building; that it would be 108" high and it will replace the 492 sq. ft. that exists; that she does not know how they determined the new measurement that the copy are for the Quick Lube Awning is 1' x 6'; that they may have measured everything including the color background; and that the proposal will look cleaner.

Public Comment:

No public comment

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.

Mr. Sullivan made a motion to close the Public Hearing which motion was seconded by Ms. Castelli and carried unanimously.

FINDINGS OF FACT AND CONCLUSIONS:

After personal observation of the property, hearing all the testimony and reviewing all the documents submitted, the Board found and concluded that the benefits to the applicant if the variance(s) are granted outweigh the detriment (if any) to the health, safety and welfare of the neighborhood or community by such grant, for the following reasons:

1. The requested §3.11, Column 5 #6 sign size variance will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The Board agreed with the applicant that the proposed new signs and awning will be cleaner and more appealing to the eye. The applicant has agreed to the comply with the conditions imposed by the Rockland County Highway Department: (1) the proposed awnings shall be located on private property; (2) the proposed awnings shall no conflict with the traffic control signs or traffic signal lights on the County Road; and (3) a road work permit shall be obtained from the Rockland County Highway Department prior to starting any construction activities on the site.
2. The Board overrode the disapproval from Rockland County Planning in their letter dated December 11, 2019 because the proposal before the Board will not have an adverse effect on the neighborhood and will actually clean up the site.

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3. The requested §3.11, Column 5 #6 sign size variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The Board agreed with the applicant that the proposed new signs and awning will be cleaner and more appealing to the eye. The applicant has agreed to the comply with the conditions imposed by the Rockland County Highway Department: (1) the proposed awnings shall be located on private property; (2) the proposed awnings shall no conflict with the traffic control signs or traffic signal lights on the County Road; and (3) a road work permit shall be obtained from the Rockland County Highway Department prior to starting any construction activities on the site.
4. The benefits sought by the applicant cannot be achieved by other means feasible for the applicant to pursue other than by obtaining a variance.
5. The requested §3.11, Column 5 #6 sign size variance, although somewhat substantial, afford benefits to the applicant that are not outweighed by the detriment, if any, to the health, safety and welfare of the surrounding neighborhood or nearby community. The Board agreed with the applicant that the proposed new signs and awning will be cleaner and more appealing to the eye. The applicant has agreed to the comply with the conditions imposed by the Rockland County Highway Department: (1) the proposed awnings shall be located on private property; (2) the proposed awnings shall no conflict with the traffic control signs or traffic signal lights on the County Road; and (3) a road work permit shall be obtained from the Rockland County Highway Department prior to starting any construction activities on the site.
6. The applicant purchased the property subject to Orangetown's Zoning Code (Chapter 43) and is proposing a new addition and/or improvements, so the alleged difficulty was self-created, which consideration was relevant to the decision of the Board of Appeals, but did not, by itself, preclude the granting of the area variances.

DECISION: In view of the foregoing and the testimony and documents presented, the Board RESOLVED that the application for the requested §3.11, Column 5 #6 sign size variance 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.

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(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.

The foregoing resolution to approve the application for the requested §3.11, Column 5 #6 sign size variance is APPROVED; was presented and moved by Ms. Castelli seconded by Mr. Quinn and carried as follows: Mr. Bosco, aye; Mr. Quinn, aye; Mr. Sullivan, aye; Mr. Bonomolo, 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: February 5, 2020

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-G.M.

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

TOWN CLERK'S OFFICE
2020 FEB 13 P 1:39
TOWN OF ORANGETOWN

| SWIS | PRINT KEY | NAME | ADDRESS |
|--------|------------|--|--|
| 392489 | 63.20-1-2 | Pearl River Campus LLC | 4020 Kinross Lakes Pkwy Ste 200, Richfield, OH 44286 |
| 392489 | 63.20-1-3 | Pearl River Campus LLC | 4020 Kinross Lakes Pkwy Ste 200, Richfield, OH 44286 |
| 392489 | 64.17-1-1 | Nanuet Auto Repair LLC | 370 S Middletown Rd, Nanuet, NY 10954 |
| 392489 | 64.17-1-2 | Jose I Hernandez | 9 Hovenkamp Ave, Nanuet, NY 10954 |
| 392489 | 64.17-1-3 | Paul Fay | 13 Hovenkamp Av, Nanuet, NY 10954 |
| 392489 | 64.17-1-4 | Jeremiah P Ross | 15 Hovenkamp Ave, Nanuet, NY 10954 |
| 392489 | 64.17-1-5 | Yaroslav I Lupachov | 17 Hovenkamp Ave, Nanuet, NY 10954 |
| 392489 | 64.17-1-7 | Thomas Gilliams | 549 Highview Av, Pearl River, NY 10965 |
| 392489 | 64.17-1-8 | Deborah Collorafi | 545 Highview Ave, Pearl River, NY 10965 |
| 392489 | 64.17-1-9 | Maria Nicolopoulos | 535 Highview Ave, Pearl River, NY 10965 |
| 392489 | 64.17-1-10 | Thrupthy S Jacob | 525 Highview Ave, Pearl River, NY 10965 |
| 392489 | 64.17-1-11 | Denise Rahilly | 519 Highview Ave, Pearl River, NY 10965 |
| 392489 | 64.17-1-12 | Martin Desapio | 513 Highview Av, Pearl River, NY 10965 |
| 392489 | 64.17-1-13 | Robert A Meunier | 507 Highview Av, Pearl River, NY 10965 |
| 392489 | 64.17-1-74 | Kathryn Syran | 31 W Townline Rd, Pearl River, NY 10965 |
| 392489 | 64.17-1-75 | Manuel J Huerta-Yupa | 27 W Townline Rd, Pearl River, NY 10965 |
| 392489 | 64.17-1-76 | Rockland Car Care Inc | 552 N Middletown Rd, Pearl River, NY 10965 |
| 392489 | 64.17-1-77 | Timothy J Weigel | 558 N Middletown Rd, Pearl River, NY 10965 |
| 392489 | 64.17-1-78 | Pearl River Exterior Car Wash Lale Realty LLC | 29 Rochelle Dr, New City, NY 10956 |

NORTH MIDDLETOWN ROAD

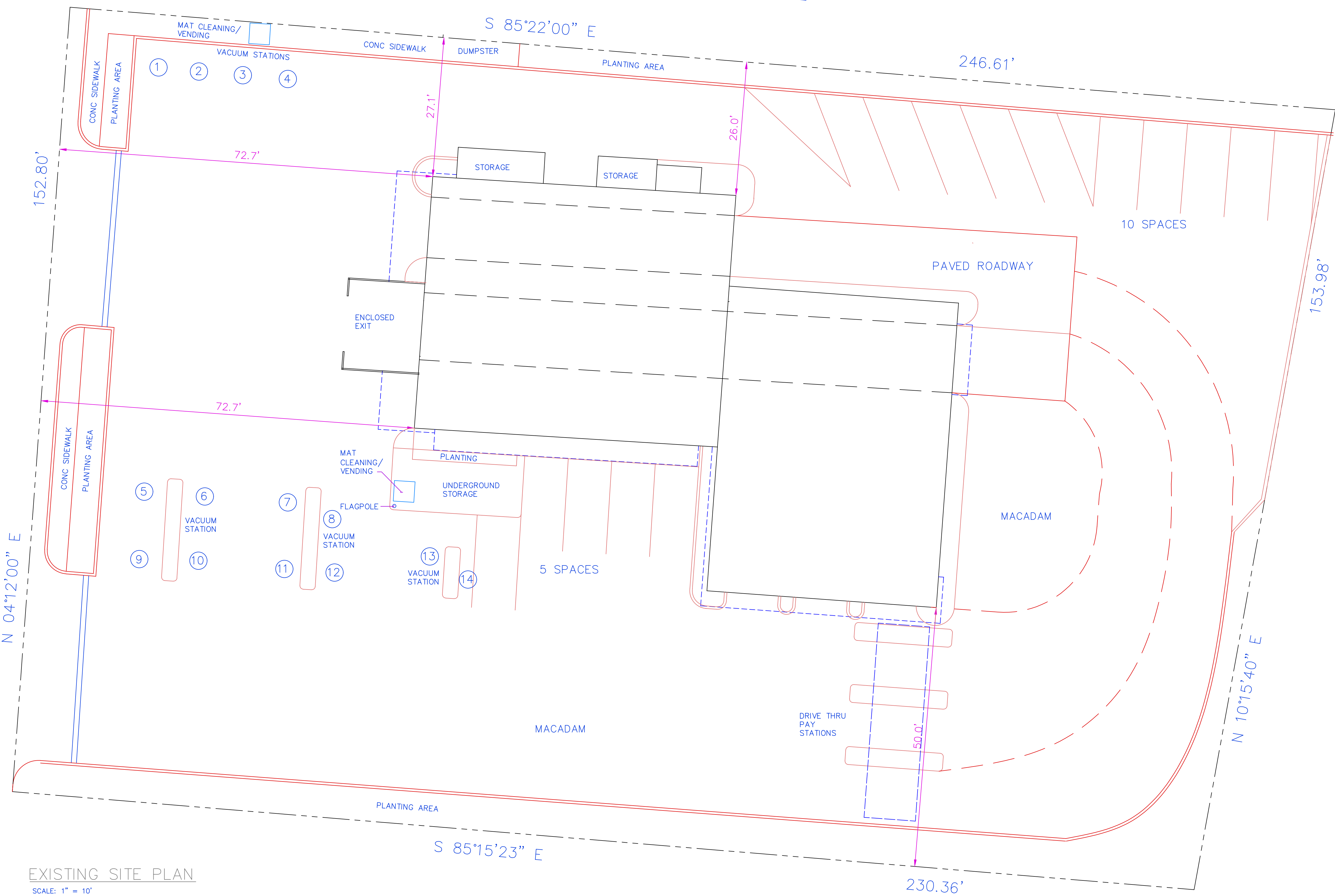
N 04°12'00" E

152.80'

HOGENKAMP AVENUE

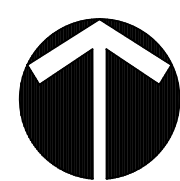
S 85°22'00" E

246.61'



EXISTING SITE PLAN

SCALE: 1" = 10'



North

SITE PLAN DATA TAKEN FROM SURVEY BY
 OSTERTAG AND McDOUGALL ENGINEERS AND
 SURVEYORS, LOCATED IN SUFFERN, NEW YORK.
 SURVEY MAP DATED APRIL 1972, CERTIFIED BY
 SURVEY CERTIFIED BY BERTRAM J. CROSS, NYS
 LIC NO 14059, DATED JULY 31, 1986.

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| DATE: | |
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| DATE: | 24 OCTOBER 2022 |
| SCALE: | AS NOTED |
| SHEET: | SP-1 |
| | 26 OCTOBER 2022 |
| | 27 OCTOBER 2022 |
| | 2 JANUARY 2023 |

| | |
|--------|----------|
| SCALE: | AS NOTED |
| SHEET: | SP-1 |

PEARL RIVER CAR WASH
 558 NORTH MIDDLETOWN ROAD
 PEARL RIVER, NEW YORK

SITE PLAN: EXISTING CONDITIONS

BART M. RODI - ENGINEER
 RESIDENTIAL & COMMERCIAL
 234 SOUTH GRANT AVE
 CONGERS, NEW YORK 10920
 (845) 268-6663

NYS LIC #070545
 PLANS VALID ONLY IF SEALED

DO NOT SCALE PRINTS

NORTH MIDDLETOWN ROAD

N 04°12'00" E

152.80'

HOGENKAMP AVENUE

S 85°22'00" E

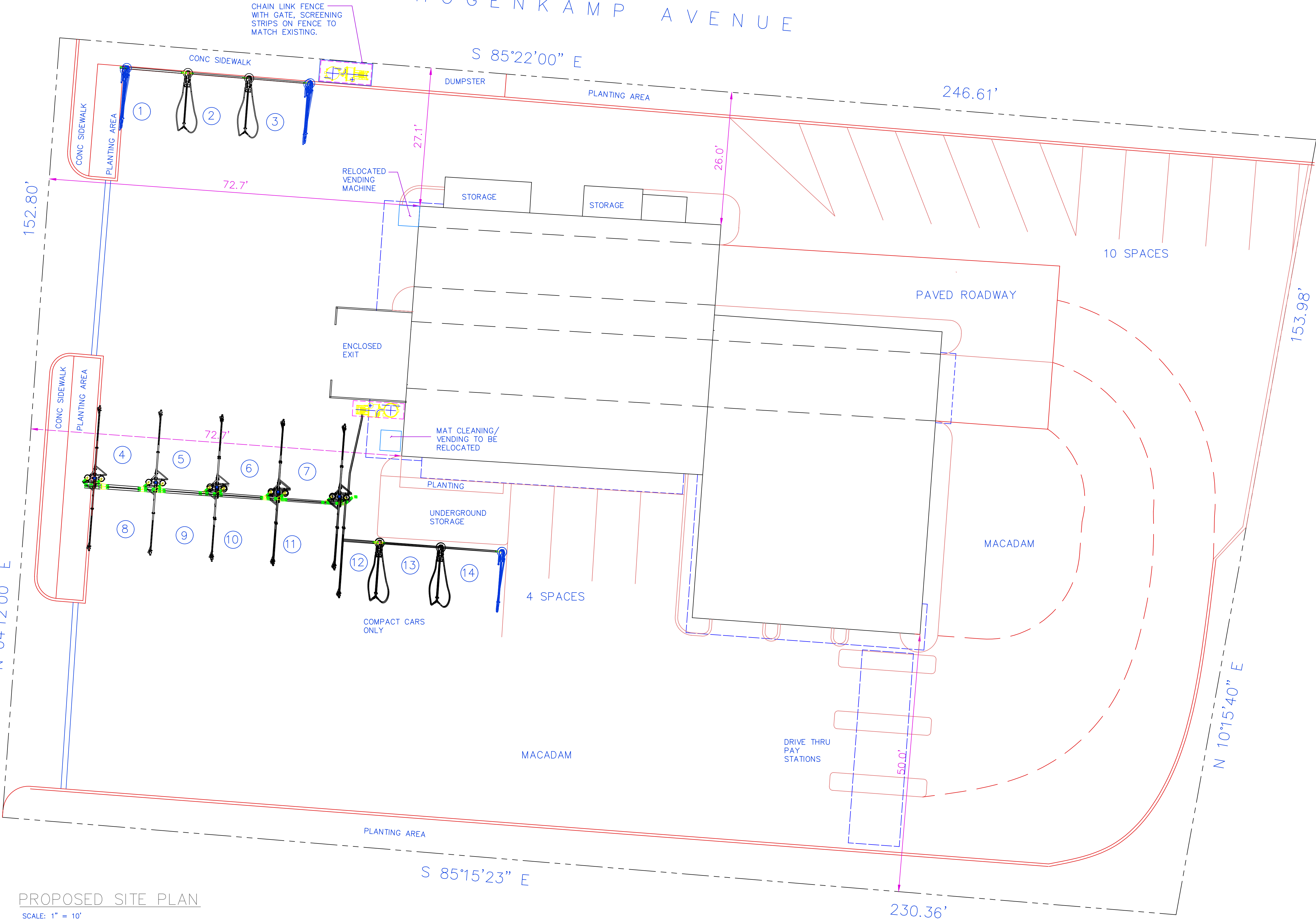
246.61'

153.98'

N 10°15'40" E

S 85°15'23" E

230.36'



CHAIN LINK FENCE WITH GATE, SCREENING STRIPS ON FENCE TO MATCH EXISTING.

RELOCATED VENDING MACHINE

STORAGE

STORAGE

ENCLOSED EXIT

MAT CLEANING/ VENDING TO BE RELOCATED

UNDERGROUND STORAGE

COMPACT CARS ONLY

DRIVE THRU PAY STATIONS

10 SPACES

4 SPACES

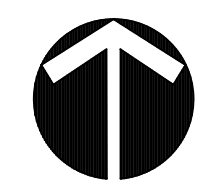
MACADAM

MACADAM

PAVED ROADWAY

PROPOSED SITE PLAN

SCALE: 1" = 10'



North

SITE PLAN DATA TAKEN FROM SURVEY BY OSTERTAG AND McDOUGALL ENGINEERS AND SURVEYORS, LOCATED IN SUFFERN, NEW YORK. SURVEY MAP DATED APRIL 1972, CERTIFIED BY SURVEY CERTIFIED BY BERTRAM J. CROSS, NYS LIC NO 14059, DATED JULY 31, 1986.

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| DATE: | |
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| DATE: | 24 OCTOBER 2022 |
| | 26 OCTOBER 2022 |
| | 27 OCTOBER 2022 |
| | 20 DECEMBER 2022 |
| | 2 JANUARY 2023 |

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| SCALE: | AS NOTED |
| SHEET: | SP-3 |

PEARL RIVER CAR WASH
 558 NORTH MIDDLETOWN ROAD
 PEARL RIVER, NEW YORK

SITE PLAN: PROPOSED

BART M. RODI - ENGINEER
 RESIDENTIAL & COMMERCIAL
 234 SOUTH GRANT AVE
 CONGERS, NEW YORK 10920
 (845) 268-6663

NYS LIC #070545
 PLANS VALID ONLY IF SEALED

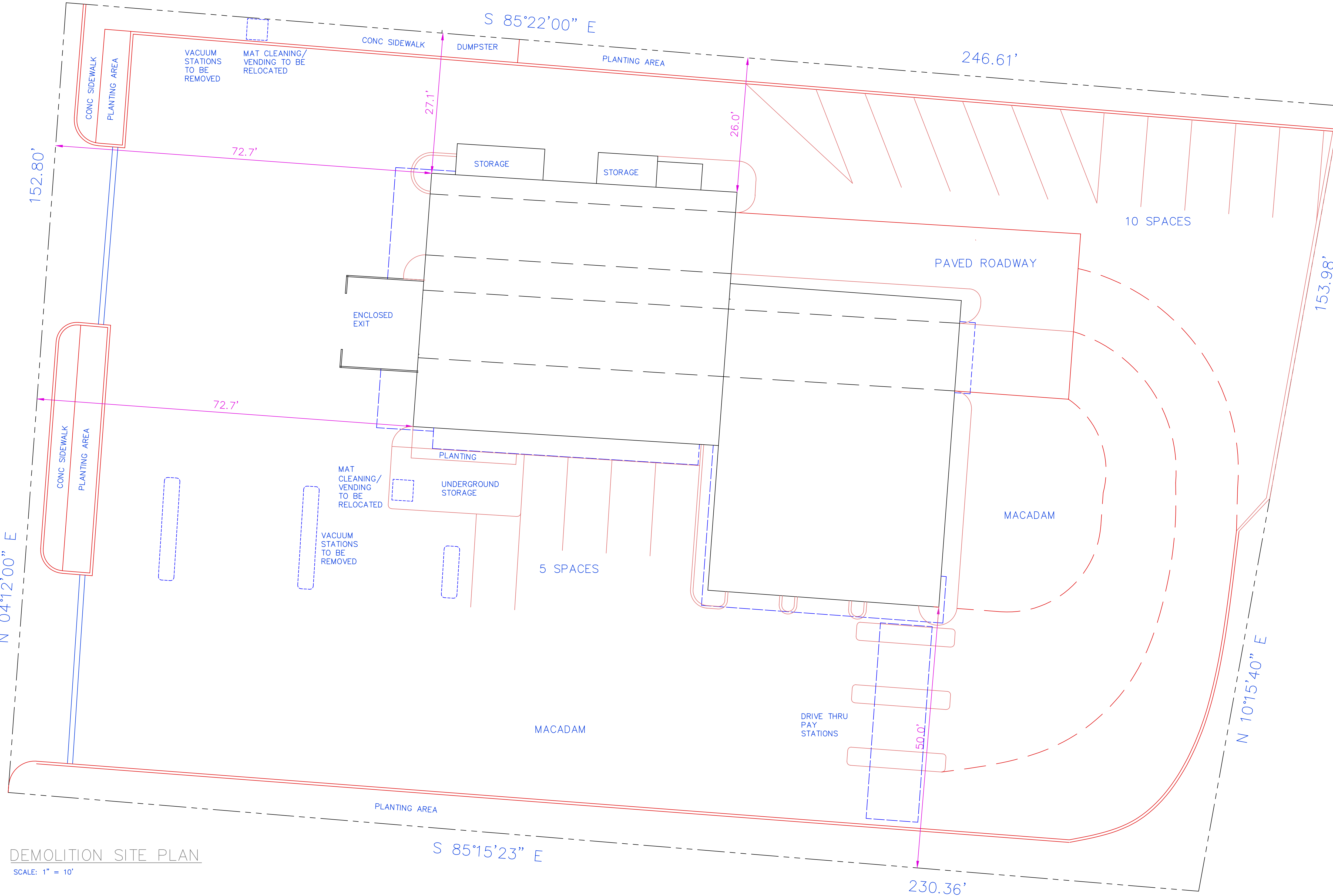
DO NOT SCALE PRINTS



North

NORTH MIDDLETOWN ROAD

N 04°12'00" E



DEMOLITION SITE PLAN

SCALE: 1" = 10'

SITE PLAN DATA TAKEN FROM SURVEY BY
 OSTERTAG AND McDOUGALL ENGINEERS AND
 SURVEYORS, LOCATED IN SUFFERN, NEW YORK.
 SURVEY MAP DATED APRIL 1972, CERTIFIED BY
 SURVEY CERTIFIED BY BERTRAM J. CROSS, NYS
 LIC NO 14059, DATED JULY 31, 1986.

HOKENKAMP AVENUE

S 85°22'00" E

246.61'

10 SPACES

PAVED ROADWAY

153.98'

MACADAM

5 SPACES

MACADAM

DRIVE THRU
PAY
STATIONS

230.36'

N 10°15'40" E

| | |
|------------------|--|
| DATE: | |
| 24 OCTOBER 2022 | |
| 26 OCTOBER 2022 | |
| 27 OCTOBER 2022 | |
| 20 DECEMBER 2022 | |
| 2 JANUARY 2023 | |

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|--------|----------|
| SCALE: | AS NOTED |
| SHEET: | SP-2 |

PEARL RIVER CAR WASH
 558 NORTH MIDDLETOWN ROAD
 PEARL RIVER, NEW YORK

SITE PLAN: DEMOLITION

BART M. RODI - ENGINEER
 RESIDENTIAL & COMMERCIAL
 234 SOUTH GRANT AVE
 CONGERS, NEW YORK 10920
 (845) 268-6663

NYS LIC #070545
 PLANS VALID ONLY IF SEALED

DO NOT SCALE PRINTS