

Name of Municipality: TOWN OF ORANGETOWN

Date Submitted: _____

Please check all that apply:

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

PERMIT#: BLDC-4654-24
ASSIGNED
INSPECTOR: Ken L.

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

Project Name: 75 E. CENTRAL AVE

Street Address: 75 E. CENTRAL AVE
PEARL RIVER, NY 10965

Tax Map Designation:
Section: 68.16 Block: 6 Lot(s): 49
Section: _____ Block: _____ Lot(s): _____

Directional Location:

On the _____ side of _____, approximately _____ feet _____ of the intersection of _____, in the Town of _____ in the hamlet/village of _____.

Acreage of Parcel _____	Zoning District _____
School District _____	Postal District _____
Ambulance District _____	Fire District _____
Water District _____	Sewer District _____

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

See Attached letter

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

Date: 3/1/24 Applicant's Signature: _____



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? _____

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.

PART TWO:

6. Please list all persons, officers, limited or general partners, directors, members, shareholders, managers, authorized persons, beneficial owners, and any others with any interest in or with the above referenced entity.
7. Please NOTE that an "authorized person" means an individual or entity, whether or not a shareholder, member, officer or director, or person identified by any other title, who is authorized to act, solely or in conjunction with others, on behalf of or for the Entity.
8. List all persons with a membership or voting interest or controlling position in the Entity. Please provide that parties' business or personal address and telephone number, email address and other contact information.
9. Provide supplemental sheets if the information does not fit below; (kindly label the supplemental sheets).

Name of Individual	Address	Telephone	Email	Interest or Role in Entity
1. Kevin Thurman	5925 Broadway, Bronx, NY 10463	347-332-7084	thurman@kimb-off.com	Member
2. Anivaca Cordova	"	718-884-7676		Member
3. Patrick Logan	"	"	"	Member
4. Angela Cohen	"	"	"	Member
5. Katherine Zibelo	"	"	"	Member
6. Michael Zibelo	"	"	"	Member
7. Joseph J. Zibelo	"	"	"	Member

PART THREE:

10. Is any person identified in Part TWO currently employed by or hold a paid or unpaid position with a department, agency or land use board of the Town of Orangetown? Please circle: YES **NO**
11. Is any person identified in PART TWO the spouse, sibling, parent, child, or grandchild of any individual who is employed by or holds a paid or unpaid position with a department, agency or land use board of the Town of Orangetown? Please circle: YES **NO**
12. Does any person identified in PART TWO perform services for or have a contract, or employed by an entity that has a contract to perform services for the Town of Orangetown? Please circle: YES **NO**
13. If the answer is "YES" to any of the above, please provide a supplement sheet and list every Board, Department, Office, agency or other position with the Town of Orangetown in which the party has a position, paid or unpaid, or provides services for, and identify the agency, title and date of hire.

PART FOUR:

14. The information contained herein shall be updated with the Town of Orangetown Office of Building Clerk and Clerk of the Boards no later than THIRTY (30) DAYS after any change in information.
15. NOTE: Any person who (a) provides false or fraudulent beneficial ownership information; (b) willfully fails to provide complete or updated information; or (c) during the application process, fails to obtain or maintain credible, legible and updated beneficial ownership information shall be subject to suspension of any pending application by the applicant entity, or a "stop work" order on any work relating to the application, or both, in addition to any other applicable penalties under the Town Code, or State and Federal Statute, or both.

STATE OF NEW YORK)
COUNTY OF ~~ROCKLAND~~) ss.:
~~Rockland~~

I, KEVIN THURMAN, being duly sworn, deposes and says that I am (Title) MEMBER, an active or qualified member of the 75 E. CENTRAL AVENUE LLC, a business duly authorized by law to do business in the State of New York, and that the statements made in the foregoing Affidavit are true, accurate and complete. I further understand that Land Use Applications may have a significant impact upon the health, safety and general welfare of the Town of Orangetown and its inhabitants and visitors; and that the Town Board is required to be certain that anyone with an interest or controlling position of an Entity, who applies for any land use approval or permission must have no conflict of interest as that term is described in NYS Town Law, as well as NYS General Municipal Law, and that the disclosure of any officers, directors, members, shareholders, managers, authorized persons, beneficial owners, any other controlling parties with the above entity, and all persons with a membership or voting interest in the entity is required to be made in any land use application or request for any approval from the Town, to be certain no conflict of interest exists and without the disclosure, a full review of any conflict cannot take place.



Signature

Sworn to and subscribed in my presence

This 1st day of March, 2024


NOTARY PUBLIC

MICHAEL A. STARVAGGI
Notary Public, State of New York
No. 02ST6087884
Qualified in Rockland County
Commission Expires February 24, 2027

May 10 2027



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: Feb 13, 2024 Section: 68.16 Block: 6 Lot: 49

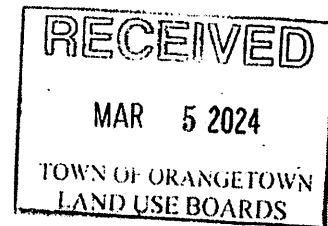
Applicant: Pearl River Public Library

Address: 75 E Central Ave, Pearl River, NY

RE: Application Made at: same

Referred For:

Chapter 43, Table 3.1 CS District, Column 2, Uses by Right



Comments:

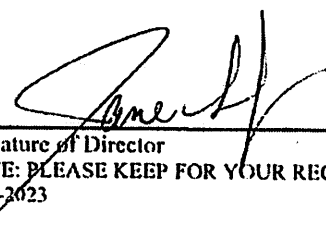
Use as Public Library in a CS District
not listed as a use by right

Dear Pearl River Public Library

Please be advised that the Building Permit Application # p24-4654, which you submitted on Feb 5, 2024, 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,


Richard Oliver
Deputy Building Inspector


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

2/13/24
Date
Liz DeCort
Debbie Arbolino

Lino J. Sciarretta, Esq.
Direct: 914-287-6177
Email: lsciarretta@bpslaw.com

March 5, 2024

BY HAND

Hon. Chairman Michael Bosco and
Members of the Zoning Board of Appeals
Town of Orangetown
20 Greenbush Road
Orangeburg, NY 10962



Re: 75 E. Central Avenue, Pearl River – Request for an Interpretation

Dear Chairman Bosco and Members of the Board:

This firm represents 75 E. Central Avenue, LLC (the “Applicant”), the new owner of 75 E. Central Avenue in Pearl River (formerly Ringner’s Furniture – the “Premises”) located in the CS Zone District in the Town of Orangetown. The Applicant seeks an interpretation from determination of the Building Department that a public library is not a use by right in the CS Zone District.

Enclosed in support of this application are the following:

1. Twelve (12) copies of the Application with Plans and Drawings by Arketekcher Architecture DPC (12 sheets per copy); and
2. Check in the amount of six hundred fifteen dollars (\$615.00) payable to the Town of Orangetown

By way of background, the Premises has been vacant for many years. The Pearl River Public Library recently signed a lease with the Applicant to temporarily relocate the library to the Premises while the current library building is unavailable due to planned renovations. The Premises is zoned CS. The existing public library is directly across the ballfield from the Premises and is within the CO Zone District. On or about February 13, 2024, the Deputy Building Inspector referred this matter to the Zoning Board of Appeals (“ZBA”) stating that “Use as a Public Library in a CS District not listed as a use by right.” For the reasons set forth below, we respectfully disagree and would hope the ZBA looks favorably on our application since it is grounded in practicality and common sense.

First, the Use Table for the CS zone includes, among uses as of right, “fire, police and community-owned ambulance stations, government offices and office buildings, town garages,

municipal parking lots *and similar public buildings and government uses*" (emphasis added). Neither the term "public buildings" nor "public library" is defined in the Town of Orangetown Zoning Code.

It is well-settled in New York that zoning laws and regulations are strictly constructed against the municipality which has enacted them and seeks to enforce them. *See Allen v. Adami*, 39 N.Y.2d 275, 277 (1976). Any ambiguity in the language and its meaning must be resolved in favor of the property owners/applicants. *Town of Riverhead v. Gezari*, 63 A.D.3d 1042, 1043 (2d Dep't 2009). Further, a term found in a zoning law or regulation that is undefined is considered ambiguous under New York law. *See, e.g., Inc. Vil. of Saltaire v Feustel*, 40 A.D.3d 586, 587 (2d Dep't 2007) (finding the municipality's code to be ambiguous as it did not define certain terms ("ordinary" or "structural") within the code). Therefore, the meaning of any undefined term found within a municipal code or law must be interpreted in favor of the property owner/applicant over the municipality as a matter of law. *See id.*

A public library is certainly a "similar" and "public building" within the meaning of this use. Since there is no definition of "public building" in the Town Zoning Code, the term is ambiguous and must be interpreted in favor of the Applicant to mean that a public library can be deemed a similar public building for zoning purposes. It also bears noting that the Premises is consistent with a public building in terms of its accessibility features.

Lastly, the Premises is an ideal location for the temporary relocation of the Pearl River Public Library. The location would be a natural fit for the public library and would benefit the community by allowing it to still be in downtown Pearl River during the renovation period. Also, because the public library is seeking to utilize the existing Premises without any bulk expansion, there is simply no negative impact whatsoever to temporarily utilize the Premises for such a public library use particularly when such use already exists in downtown Pearl River. Moreover, because the Applicant is only seeking a temporary rental use of the Premises as a public library, the ZBA has the discretion to permit such a use on the condition that it be re-evaluated after a certain period. Accordingly, the ZBA can maintain its jurisdiction over this application, grant the Applicant a favorable interpretation and permit the library to operate at the Premises for a set duration subject to further review if required at a later date.

We look forward to appearing before the ZBA at its March 20, 2024 meeting to present this application. Please feel free to contact this office with any questions.

Very truly yours,

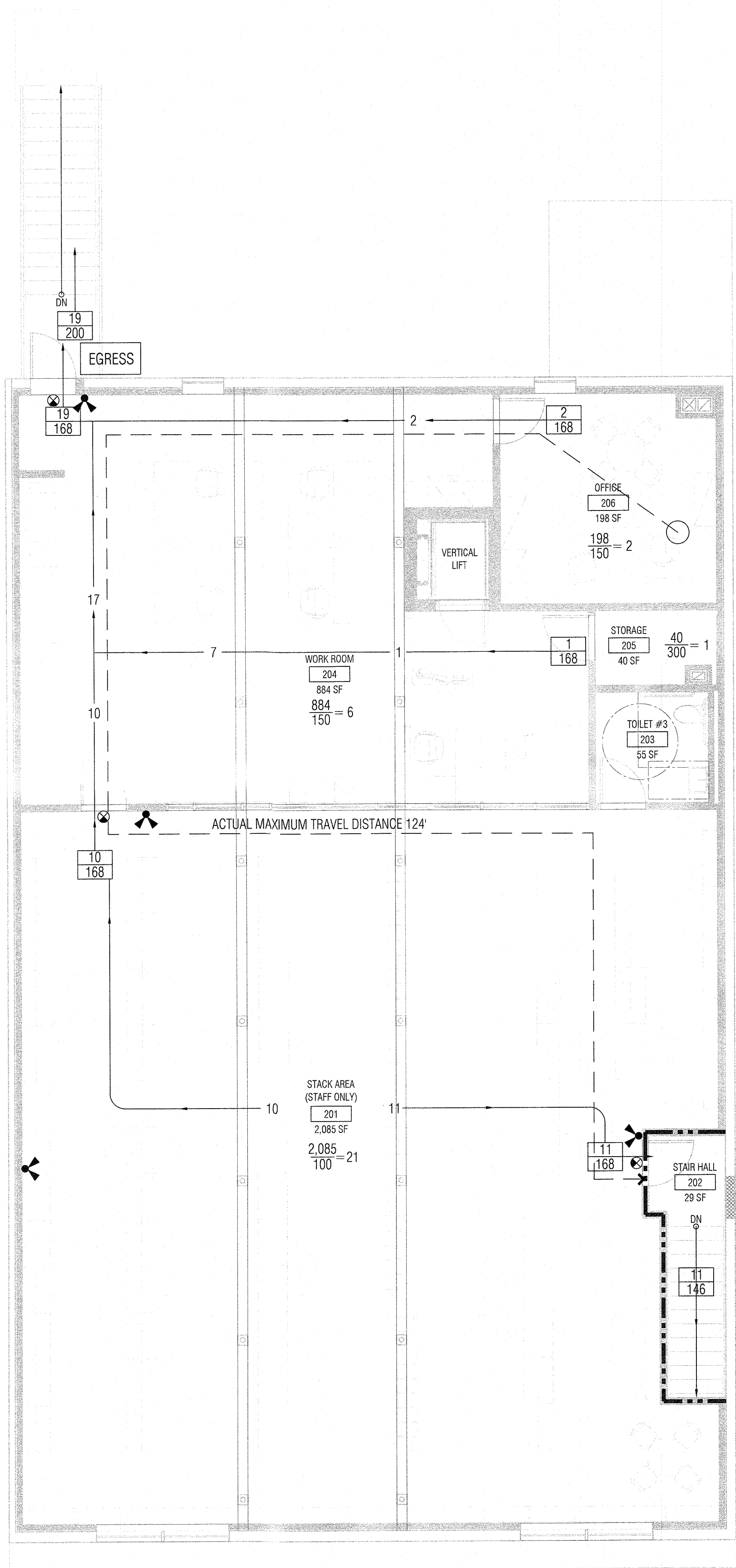
BLEAKLEY PLATT & SCHMIDT, LLP



LINO J. SCIARRETTA

Enclosures

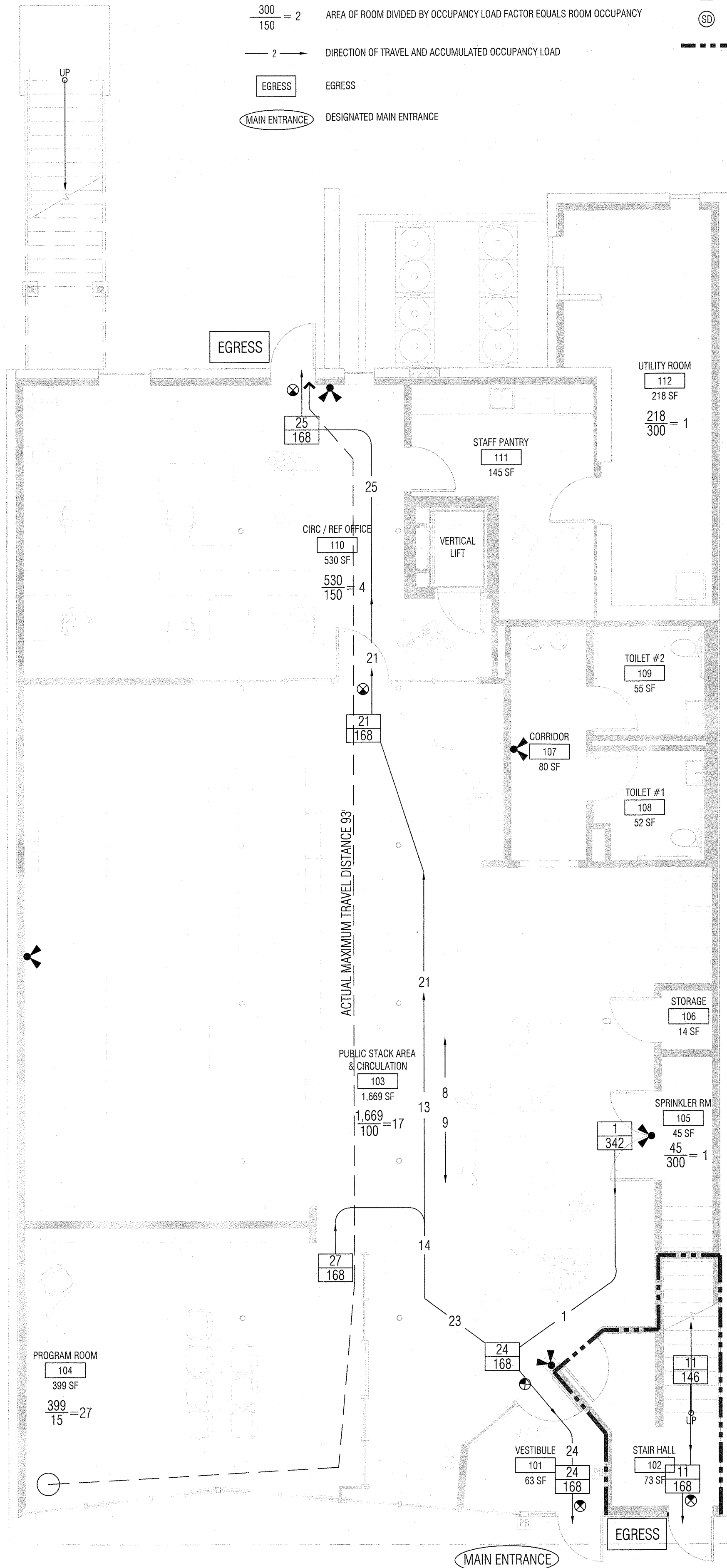
cc: Kevin Thurman (via email)



SCHEDULE OF OCCUPANCY

NUMBER	NAME	AREA (SF)	OCCUPANCY CLASSIFICATION	OCCUPANT LOAD FACTOR (SF)	ALLOWABLE OCCUPANCY
1ST FLOOR					
101	VESTIBULE	63 SF	UNOCCUPIED	-	0
102	STAIR HALL	73 SF	UNOCCUPIED	-	0
103	PUBLIC STACK AREA/ CIRCULATION	1669 SF	LIBRARY (STACK)	100 GROSS	17
104	PROGRAM ROOM	399 SF	ASSEMBLY, UNCONCENTRATED	15 NET	27
105	SPRINKLER ROOM	45 SF	ACCESSORY STORAGE/MECH	300 GROSS	1
106	STORAGE	14 SF	ACCESSORY STORAGE/MECH	300 GROSS	1
107	CORRIDOR	80 SF	UNOCCUPIED	-	0
108	TOILET #1	52 SF	UNOCCUPIED	-	0
109	TOILET #2	55 SF	UNOCCUPIED	-	0
110	CIRC/REFERENCE	530 SF	BUSINESS AREAS	150 GROSS	4
111	STAFF PANTRY	145 SF	UNOCCUPIED	-	0
112	UTILITY ROOM	218 SF	ACCESSORY STORAGE/MECH	300 GROSS	0
TOTAL OCCUPANCY 1ST FLOOR:					50

NUMBER	NAME	AREA (SF)	OCCUPANCY CLASSIFICATION	OCCUPANT LOAD FACTOR (SF)	ALLOWABLE OCCUPANCY
2ND FLOOR					
201	STACK AREA	2085 SF	LIBRARY (STACK)	100 GROSS	21
202	STAIR HALL	29 SF	UNOCCUPIED	-	0
203	TOILET #3	55 SF	UNOCCUPIED	-	0
204	WORK ROOM	884 SF	BUSINESS AREAS	150 GROSS	6
205	STORAGE	40 SF	ACCESSORY STORAGE/MECH	300 GROSS	1
206	OFFICE	198 SF	BUSINESS AREAS	150 GROSS	2
TOTAL OCCUPANCY 2ND FLOOR:					30
TOTAL OCCUPANCY 1ST + 2ND FLOORS:					80



EGRESS PLAN LEGEND

ROOM 112 375 SF	ROOM NAME, NUMBER & SQUARE FOOTAGE	FS	FIRE ALARM STROBE LIGHT
10 168	ACTUAL EGRESS OCCUPANCY OF DOOR OR STAIR MAXIMUM ALLOWABLE EGRESS OCCUPANCY OF DOOR OR STAIR	FE	FIRE EXTINGUISHER
300 150 = 2	AREA OF ROOM DIVIDED BY OCCUPANCY LOAD FACTOR EQUALS ROOM OCCUPANCY	ES	EXIT SIGN W/ EMERGENCY LIGHTING
2	DIRECTION OF TRAVEL AND ACCUMULATED OCCUPANCY LOAD	CD	CARBON MONOXIDE DETECTOR/ALARM
EGRESS	EGRESS	SD	SMOKE DETECTOR/ALARM
MAIN ENTRANCE	DESIGNATED MAIN ENTRANCE	---	1-HOUR FIRE RATED PARTITION

TEAM
OWNER
75 E CENTRAL AVENUE LLC
75 EAST CENTRAL AVENUE, PEARL RIVER, NY 10965
T: 347.332.7084
ARCHITECT
ARKETEKCHØR
6 AMERICO CIRCLE, OSSINING NY 10562
T: 914.762.3936
STRUCTURAL ENGINEER
INTEGRAL ENGINEERING SERVICES
27 MAIN STREET, DOBBS FERRY, NY 10522
T: 914.274.8874
MEP + FIRE PROTECTION
ORSAR CONSULTING ENGINEERS PLLC
980 BROADWAY SUITE 134, THORNWOOD, NY 10594
T: 513.888.7011

REVISIONS
01.24.24 FILING ISSUE

ADDRESS
75 EAST CENTRAL AVENUE
PEARL RIVER, NY 10965



© ARKETEKCHØR ARCHITECTURE DPC
PROJECT No. 23011

TITLE
1ST + 2ND FLOOR EGRESS
PLANS

SCALE
3/16"

No. G-001.00

DEMOLITION NOTES

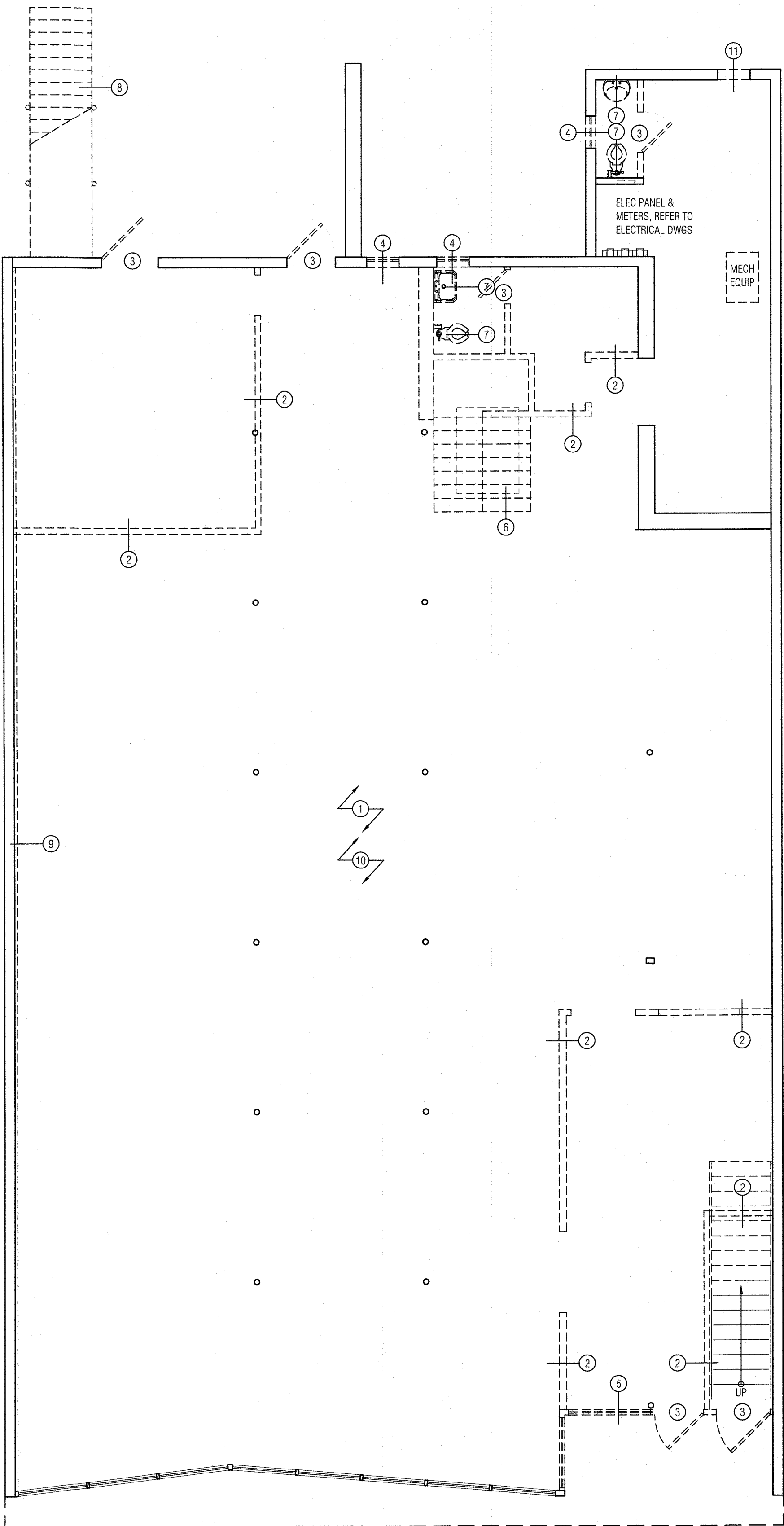
1. CONTRACTOR SHALL PERFORM ALL OPERATIONS OF DEMOLITION AND REMOVAL INDICATED ON THE DRAWINGS AND AS MAY BE REQUIRED BY THE WORK. ALL WORK SHALL BE DONE CAREFULLY AND NEATLY, IN A SYSTEMATIC MANNER.
2. ALL EXISTING SURFACES AND EQUIPMENT TO REMAIN SHALL BE FULLY PROTECTED FROM DAMAGE. THE CONTRACTOR SHALL ASSUME FULL RESPONSIBILITY FOR DAMAGE AND SHALL MAKE REPAIRS REQUIRED WITHOUT ADDITIONAL COST TO THE OWNER.
3. NO DEBRIS SHALL BE ALLOWED TO ACCUMULATE ON THE SITE. DEBRIS SHALL BE REMOVED BY THE CONTRACTOR AS THE JOB PROCEEDS. THE SITE SHALL BE LEFT BROOM CLEAN AT THE COMPLETION OF DEMOLITION.
4. NO STRUCTURAL ELEMENTS SHALL BE REMOVED UNLESS PORTIONS AFFECTED ARE ADEQUATELY SUPPORTED BY EITHER TEMPORARY SHORING OR NEW STRUCTURAL ELEMENTS AS REQUIRED TO PROTECT THE STABILITY AND INTEGRITY OF THE EXISTING STRUCTURE.
5. REMOVE OR RELOCATE ALL WIRING, PLUMBING, AND MECHANICAL EQUIPMENT AFFECTED BY REMOVAL OF PARTITIONS. REMOVED PIPES AND/OR LINES SHALL BE CUT TO A POINT OF CONCEALMENT BEHIND OR BELOW FINISH SURFACES, AND SHALL BE PROPERLY CAPPED OR PLUGGED.
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9. COORDINATE WITH OWNER FOR A LIST OF ITEMS TO BE STORED OR SAVED.

DEMOLITION LEGEND

- EXISTING TO REMAIN
- EXISTING TO BE DEMOLISHED
- NOT IN SCOPE / NO CHANGE
- EXISTING ELECTRICAL RECEPTACLE TO BE REMOVED
- EXISTING ELECTRICAL SWITCH TO BE REMOVED
- EXISTING ELECTRICAL FIXTURE TO BE REMOVED

DEMOLITION KEY LEGEND

- 1 REMOVE ANY LOOSE OR CRACKED TILE THROUGHOUT
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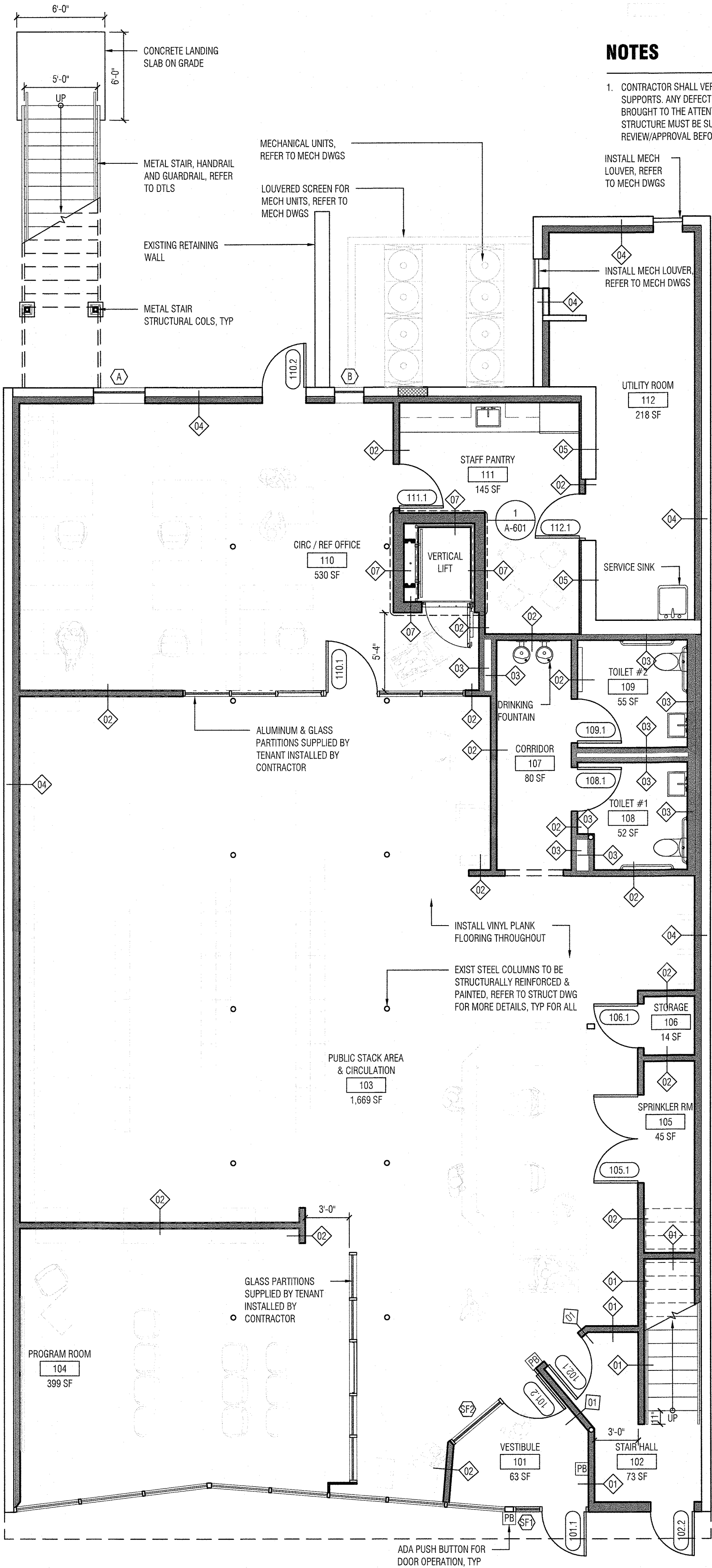
2 EXISTING / DEMOLITION 1ST FLOOR PLAN
3/16" = 1'-0"

LEGEND

- EXISTING WALL TO REMAIN
- NEW PARTITION, REFER TO SCHEDULE
- FURNITURE BY TENANT (NOT IN CONTRACT)

NOTES

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1 1ST FLOOR PLAN
3/16" = 1'-0"

PROJECT

75 EAST CENTRAL AVENUE
ALTERATIONS

ärkøtekchør

TEAM

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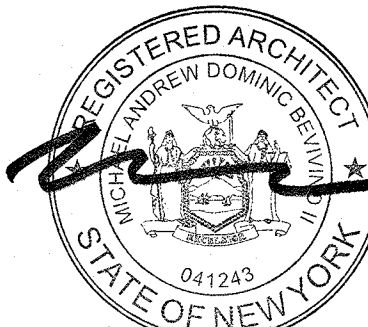
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© ARKETEKCHØR ARCHITECTURE DPC

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23011

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1ST FLOOR PLAN +
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SCALE

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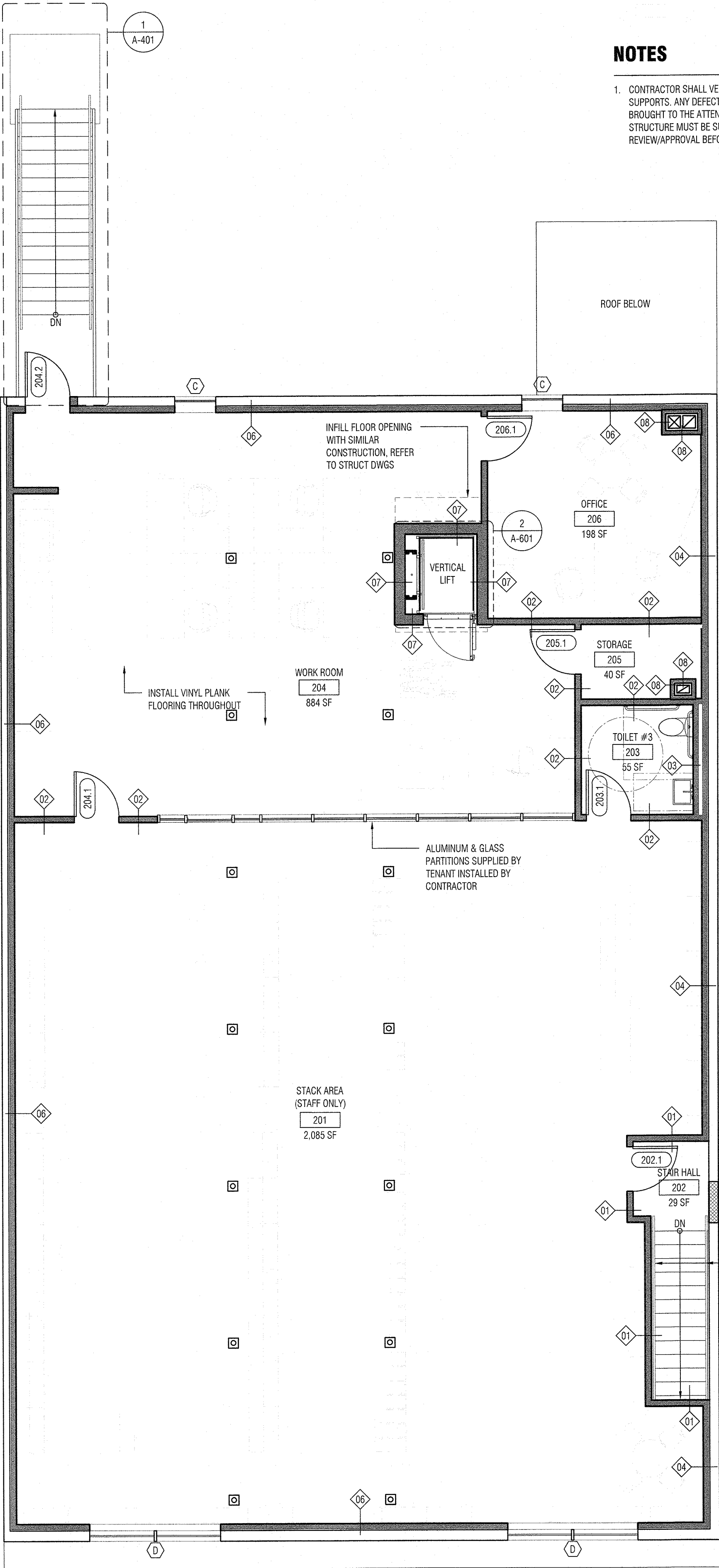
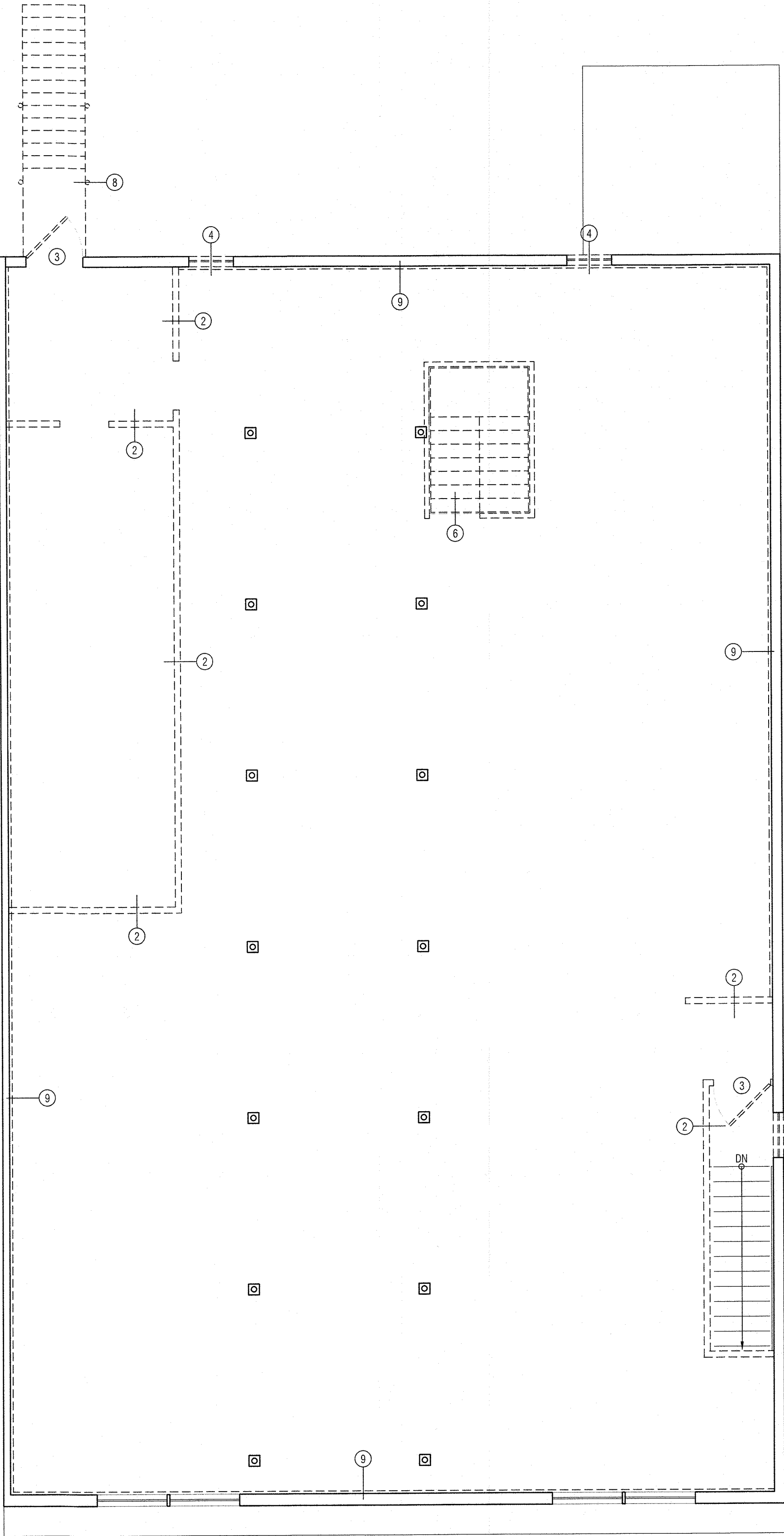
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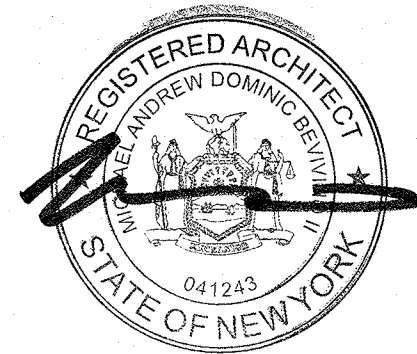
REVISIONS

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SEAL



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PROJECT No.

23011

TITLE

2ND FLOOR PLAN +
EXISTING / DEMOLITION
PLAN

SCALE

3/16" = 1'-0"

No.

A-102.00

2 EXISTING / DEMOLITION 2ND FLOOR PLAN
3/16" = 1'-0"

1 2ND FLOOR PLAN
3/16" = 1'-0"