

MINUTES
ZONING BOARD OF APPEALS
April 3, 2024

MEMBERS PRESENT: MICHAEL BOSCO, CHAIRMAN
THOMAS QUINN
ROBERT BONOMOLO, JR.
PATRICIA CASTELLI
BILLY VALENTINE

ABSENT: NONE

ALSO PRESENT: Denise Sullivan, Deputy Town Attorney
Katlyn Bettmann, Senior Clerk Typist
Anne Marie Ambrose, Official Stenographer

This meeting was called to order at 7: 00 P.M. by Mr. Bosco, Chairman.
Hearings on this meeting's agenda, which are made a part of this meeting, were held as noted below:

PUBLISHED ITEMS

APPLICANTS

DECISIONS

WIDMER 39 Brightwood Ave Pearl River, New York 68.12 / 5 / 53; RG zone	CONTINUED	ZBA#24-20
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LEAHY 37 Polhemus St. Tappan, New York 77.08 / 2 / 45; RG zone	CONTINUED	ZBA#24-21
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SUBARU DISTRIBUTORS CORP. 6 Ramland Rd. Orangeburg, New York 73.20 / 1 / 25; LIO zone	§ 3.11 REFERS TO LO DISTRICT, COLUMN 5 #11 SIZE OF SIGNS VARIANCE APPROVED	ZBA#24-22
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RIVIAN SIGN 800 Bradley Hill Rd. Blauvelt, New York 65.18 / 1 / 3; LI zone	§ 3.11 LI DISTRICT COLUMN 5 # 7 ILLUMINATED SIGNS VARIANCES APPROVED	ZBA#24-23
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THE DECISIONS RELATED TO THE ABOVE HEARINGS are inserted herein and made part of these minutes.

EMILIO SANCHEZ, JR.

ESTHER C. DE LUCA

JAMES J. DE LUCA

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The verbatim minutes, as recorded by the Board's official stenographer for the above hearings, are not transcribed.

There being no further business to come before the Board, on motion duly made, seconded and carried, the meeting was adjourned at 8:15 P.M.

Dated: April 3, 2024

ZONING BOARD OF APPEALS
TOWN OF ORANGETOWN

By _____

Katlyn Bettmann,
Senior Clerk Typist

DISTRIBUTION:
APPLICANT
TOWN ATTORNEY
DEPUTY TOWN ATTORNEY
TOWN BOARD MEMBERS
BUILDING INSPECTOR (Individual Decisions)
Rockland County Planning

ENCLOSURE
ENCLOSURE
ENCLOSURE

§3.11 REFERS TO LO DISTRICT, COLUMN 5 #11 SIZE OF SIGNS, VARIANCE APPROVED

To: Rick Bohlander (Subaru Distributors Corp.)
120 Bedford Road
Armonk, New York

ZBA #24-22
Date: April 3, 2024
Permit # SIGN-4578-24

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA# 24-17: Application of Subaru Distributors Corp. for a variance from Zoning Code (Chapter 43) of the Town of Orangetown, Section 3.11, LIO District, refers to LO District, Column 5 #11 (Sign size: 30 s.f. permitted, 95 s.f. proposed) for signs on the existing building. The premises are located at 6 Ramland Rd, Orangeburg, New York and are identified on the Orangetown Tax Map as Section 73.20, Block 1, Lot 25 in the LIO zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a Hearing held on Wednesday, April 3, 2024 at which time the Board made the determination hereinafter set forth.

Rick Bohlander, Civil Engineer, appeared and testified.

The following documents were presented:

1. Sign inventory plan, dated 4/17/2023, with the most recent revision date of 8/24/2023, by Philadelphia Sign. (7 pages)
2. Site Plan dated 2/13/2017, with the most recent revision date of 2/06/2024, signed and sealed by Frederick Bohlander, P.E..

Mr. Bosco, 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. Bosco moved for a Board determination that the foregoing application seeks area or bulk variances for construction or expansion of 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 with local land use controls; this application is 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. Quinn, aye; Ms. Castelli, aye; Mr. Bonomolo, aye; and Mr. Valentine, aye.

Rick Bohlander testified that Subaru is wrapping up their last item for site work; that they presented entrance signs and previous work back in 2021; that the proposed signs would be installed on a renovated existed building that did not previously have any signage; that the central most entrance, referred to as "3" and "4" on the sign inventory plan, is 26 S.F. and nine (9') feet from grade; that the sign identified as "1", "2" and "5" is the eastern most sign and identifies the Training Center entrance; that to the South and to the West of the site are commercial properties; that to the East and to the North there are residential properties; however no residents would be affected by the signage as the residences are approximately 160 to 200 feet away; and the residential properties are approximately twenty feet lower than the site; that the signs will be illuminated; that the signs will both be back lit and have no forward lighting; that they will be installed the same as the installs done in 2021; and that the lighting for the signs will be on a timer.

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. Bosco 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 #11 illuminated sign variance will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The size of the signs, on the building, are appropriate for the size of the existing building.
2. The requested § 3.11, Column 5 #11 illuminated sign will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.
3. The benefits sought by the applicant cannot be achieved by other means feasible for the applicant to pursue other than by obtaining variances.
4. The requested § 3.11, Column 5 #11 illuminated sign although substantial, and affords 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.
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 variance.

2024-04-10 10:00 AM

2024-04-10 10:00 AM

2024-04-10 10:00 AM

DECISION: In view of the foregoing and the testimony and documents presented, the Board **RESOLVED** that the application for the requested § 3.11, LIO District, refers to LO District, Column 5 #11 (Sign size: 30 s.f. permitted, 95 s.f. proposed) for signs on the existing building variances are **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.

The foregoing resolution to approve the application for the requested § 3.11, Column 5 #11 for illuminated signs on the existing building variances are APPROVED; was presented and moved by Mr. Bonomolo, seconded by Mr. Quinn and carried as follows: Mr. Bosco, aye; Mr. Bonomolo, aye; Mr. Quinn, aye; Ms. Castelli, aye; and Mr. Valentine, aye.

The Senior Clerk Typist 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: April 3, 2024

ZONING BOARD OF APPEALS
TOWN OF ORANGETOWN

By 
Katelyn Bettmann
Senior Clerk Typist

DISTRIBUTION:

APPLICANT
ZBA MEMBERS
SUPERVISOR
TOWN BOARD MEMBERS
TOWN ATTORNEY
DEPUTY TOWN ATTORNEY
OBZPAE
BUILDING INSPECTOR- Mike M

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

2024 APR 03 10:00 AM

2024 APR 03 10:00 AM

2024 APR 03 10:00 AM

§ 3.11 LI DISTRICT COLUMN 5 #7 ILLUMINATED SIGN VARIANCES APPROVED

To: Kelim Cifuentes (Rivian Automotive)
333 Wyandanch Ave
West Babylon, NY 11704

ZBA #24-23
Date: April 3, 2024
Permit # SIGN-4311-23

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA# 24-23: Application of Rivian Automotive for variances from Zoning Code (Chapter 43) of the Town of Orangetown, LI District, Section 3.11, Column 5 #7 (60 s.f. and out of the 60 s.f., 30 s.f. permitted to be illuminated, 159.08 s.f. proposed all of which to be illuminated) for two 79.54 s.f. wall mounted building signs on an existing commercial building. The premises are located at 800 Bradley Hill Rd, Blauvelt, New York and are identified on the Orangetown Tax Map as Section 65.18, Block 1, Lot 3 in the LI zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a Hearing held on Wednesday, April, 2024 at which time the Board made the determination hereinafter set forth.

Kelim Cifuentes, and Pedro Vesperman, signage installers for Tri-state Awnings, and Pedro, appeared and testified.

The following documents were presented:

1. Plans by "Walton", labelled Rivian, dated 7/21/2023 (4 pages: cover page, site plan/building signage, exterior elevations, E1/Building ID)
2. Architectural Renderings by "Reztark design Studio, LLC.", labelled Rivian Blauvelt Service & Delivery Center, dated 1/24/2024 (3 pages).

Mr. Bosco, Chairman, made a motion to open the Public Hearing which motion was seconded by Mr. Bonomolo and carried unanimously.

On advice of Denise Sullivan, Deputy Town Attorney, counsel to the Zoning Board of Appeals, Mr. Bosco moved for a Board determination that the foregoing application seeks area or bulk variances for construction or expansion of 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 with local land use controls; this application is 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. Quinn, aye; Ms. Castelli, aye; Mr. Bonomolo, aye; and Mr. Valentine, aye.

Pedro Vesperman testified that the new signs would be a more cohesive look with the architecture and look of the building; that even though the signs are large in size they still look small to scale of the building but are a better option; that they make electric cars and vans at their facility; and that there are no residences nearby.

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. Bosco made a motion to close the Public Hearing which motion was seconded by Mr. Bonomolo 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 # 7 illuminated sign variances will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The signs are appropriately sized for the size of the building.
2. The requested § 3.11 Column 5 # 7 illuminated sign variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.
3. The benefits sought by the applicant cannot be achieved by other means feasible for the applicant to pursue other than by obtaining variances.
4. The requested § 3.11 Column 5 # 7 illuminated sign variances although substantial, and affords 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.
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 variance.

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 # 7 illuminated sign variances are 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.

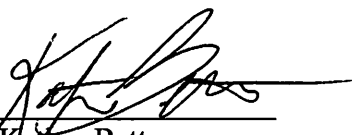
2024 JUN 14 10:11 AM
TOWN OF ORANGETOWN
PLANNING AND ZONING DEPARTMENT

The foregoing resolution to approve the application for the requested variances are APPROVED; was presented and moved by Mr. Quinn, seconded by Ms. Castelli and carried as follows: Mr. Bosco, aye; Mr. Bonomolo, aye; Ms. Castelli, aye; Mr. Quinn, aye, and Mr. Valentine, aye.

The Senior Clerk Typist 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: April 3, 2024

ZONING BOARD OF APPEALS
TOWN OF ORANGETOWN

By 
Kaitlyn Bettmann
Senior Clerk Typist

DISTRIBUTION:

APPLICANT
ZBA MEMBERS
SUPERVISOR
TOWN BOARD MEMBERS
TOWN ATTORNEY
DEPUTY TOWN ATTORNEY
OBZPAE
BUILDING INSPECTOR- Glenn M

TOWN CLERK
HIGHWAY DEPARTMENT
ASSESSOR
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CHAIRMAN, ZBA, PB, ACABOR

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