

**TOWN OF ORANGETOWN ARCHITECTURE AND COMMUNITY APPEARANCE
BOARD OF REVIEW - MEETING OF MARCH 2, 2017**

MEMBERS PRESENT: Blythe Yost, Chair
 Bruce Jensen, Vice-Chair Brian Terry
 Andrew Andrews Brian Aitcheson

MEMBERS ABSENT: Shirley Goebel Christie and Deborah Stuhlweissenburg

ALSO PRESENT: Rick Pakola, Deputy Town Attorney; Ann Marie Ambrose, Stenographer and Cheryl Coopersmith, Chief Clerk

Blythe Yost, Chair, called the meeting to order at 7:30 p.m.
 Ms. Yost read the agenda. Hearings as listed on this meeting's agenda which are made a part of these minutes were held as noted below.

<p>Instrumentation Laboratories Plan Review of Installation of Generator Plan 526 Route 303, Orangeburg 70.19-1-45; LO zoning district</p>	<p>ACABOR #17-06 Approved as Presented</p>
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<p>Gulfmart Gas Price Signage Plan Review of Signage Plan 202 East Central Avenue, Pearl River 69.13/1/18; CC zoning district</p>	<p>ACABOR #17-07 Approved as Presented</p>
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<p>38 N. Middletown Road Roof Top Co-location Plan Review of Roof Top Co-location Wireless Communication Facility Plan 38 North Middletown Road, Pearl River 69.13/1/8; CC zoning district</p>	<p>ACABOR #17-04 Approved Subject to Conditions</p>
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A motion was made to adjourn the meeting by Andrew Andrews and seconded by Blythe Yost and agreed by all in attendance. The Decisions on the above hearings, which Decisions are made by the Board before the conclusion of the meeting, are mailed to the applicant. The verbatim minutes are not transcribed, but are available. As there was no further business before the Board, the meeting was adjourned at 8:15 p.m.

Dated: March 2, 2017
Cheryl Coopersmith
Chief Clerk Boards and Commissions

Cheryl Coopersmith

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**Town of Orangetown
Architecture and Community Appearance Board of Review Decision**

March 2, 2017

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TO: Randy Vlasak, 126 Route 303, Orangeburg,
New York, 10962
FROM: Architecture and Community Appearance Board of Review

RE: Instrumentation Laboratory Generator Plan: The application of Instrumentation Laboratory, owner, for the review of the Installation of a Generator at a site known as “**Instrumentation Laboratory Generator Plan**”, in accordance with Article 16 of the Town Law of the State of New York and Chapter 2 of the Code of the Town of Orangetown. The site is located at 526 Route 303, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 70.19, Block 1, Lot 45; in the LO zoning district.

Heard by the Architecture and Community Appearance Board of Review of the Town of Orangetown at a meeting held **Thursday, March 2, 2017**, at which time the Board made the following determinations:

Randy Vlasak appeared and testified for the applicant. The Board received the following items:

- A.** Copy of a Site Development Plan noting location of Generator prepared by Lan Associates.
- B.** Electrical Line Plans and Photographs of existing site.
- C.** Specifications of Generator to be installed; Quiet Connect Series RS60.
- D.** Material Sheet, signed by Randy Vlasak, dated February 2, 2016.
- E.** A copy of the Building Permit Referral dated December 6, 2016, signed by Building Inspector Rick Oliver.

FINDINGS OF FACT:

1. The Board found that the applicant proposed to upgrade its emergency generator to 60 kilowatts for the protection of its computer system and refrigeration against power interruptions. The application appeared at the Town of Orangetown Zoning Board of Appeals on Wednesday, March 1, 2017 for the review of the Performance Standards application.
2. The Board reviewed the submitted information regarding the generator enclosure and site location and found it acceptable.
3. The Board found that the generator would be exercised once a week, similar to the existing emergency generator on site.

The hearing was then opened to the Public. There being no one to be heard from the public, the Public Hearing portion of the meeting was closed.

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ACABOR #17-06: Instrumentation Laboratories
Generator Plan - Approved as Presented

Permit #45943

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DECISION: In view of the foregoing and the testimony before the Board, the application was **Approved as Presented**.

The foregoing resolution was presented and moved by Andrew Andrews and seconded by Brian Aitcheson and carried as follows: Blythe Yost, Chair, aye; Bruce Jensen, Vice Chair, aye; Andrew Andrews, aye; Brian Terry, aye; Brian Aitcheson, aye and Deborah Stuhlweissenburg, absent and Shirley Goebel Christie, absent;

The Clerk to the Board is hereby authorized, directed and empowered to sign this **Decision** and file a certified copy in the Office of the Town Clerk and the Office of the Architecture and Community Appearance Board of Review.

Dated: March 2, 2017
Cheryl Coopersmith
Chief Clerk Boards and Commissions



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TO: Alex Hanny Ibrahim, Gulfmart, 202 East Central Avenue, Pearl River, New York 10965
FROM: Architecture and Community Appearance Board of Review

RE: **Gulfmart Gas Price Signage Plan:** The application of Alex Hanny Ibrahim, applicant for Sharon and Wayne Tucker, owners, for the review of a Sign Plan at a site known as “**Gulfmart Gas Price Signage Plan**”, in accordance with Article 16 of the Town Law of the State of New York and Chapter 2 of the Code of the Town of Orangetown. The site is located at 202 East Central Avenue, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 69.13, Block 1, Lot 18; in the CC zoning district.

Heard by the Architecture and Community Appearance Board of Review of the Town of Orangetown at a meeting held **Thursday, March 2, 2017**, at which time the Board made the following determinations:

Matt Kusewicz appeared and testified for the applicant.

The Board received the following items:

- A.** Copy of the Site Plan entitled “Proposed Sign for Je Hanny Inc.”, prepared by Anthony Celentano, PLS, dated July 14, 2006, last revision November 18, 2016.
- B.** A letter from SNA Petroleum signed by Chanda Jennings, Account Manager, dated February 6, 2017.
- C.** A copy of the proposed Sign with dimensions and a photograph of the existing damaged sign.
- D.** A copy of prior Board Decisions; ACABOR #07-25, Hanni Deli Gul Mart Station Canopy Plans, Approved Subject to Conditions, dated April 17, 2007 and ZBA #08-40, Front Yard Variance Approved, dated May 7, 2008.
- E.** A copy of the Building Permit Referral dated October 27, 2016 signed by Building Inspector Glen Maier.

FINDINGS OF FACT:

1. The Board found that the proposed signage would consist of the following: The sign would be double sided 4’ by 8’ stackable Gulf ID, LED Pricer Combo sign with 9” LED’s flag mounted. The new pole would be 6” by 6” by ¼” steel tube pole. The sign would be internally lit and the brightness of LED’s would be in accordance with Town Code.

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2. The Board found that the main field behind the “Gulf logo” would be blue and white. The Gulf logo would be in the company colors of orange, blue and white. The lower portion of the sign having the pricing would have a blue background with white lettering. The pricing would be black with red digital numbers.

There being no one to be heard from the public, the Public Hearing portion of the meeting was closed.

DECISION: In view of the foregoing and the testimony before the Board, the application was **Approved as Presented**.

The foregoing resolution was presented and moved by Bruce Jensen and seconded Brian Terry and carried as follows: Blythe Yost, Chair, aye; Andrew Andrews, aye; Brian Terry, aye; Bruce Jensen, aye; Brian Aitcheson, aye; Deborah Stuhlweissenburg, absent and Shirley Goebel Christie, absent.

The Clerk to the Board is hereby authorized, directed and empowered to sign this **Decision** and file a certified copy in the Office of the Town Clerk and the Office of the Architecture and Community Appearance Board of Review.

Dated: March 2, 2017
Cheryl Coopersmith
Chief Clerk Boards and Commissions

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**ACABOR #17-04: Wireless Communication
Roof Top Facility Plan
38 N. Middletown Road
Review of Wireless Communication Roof Top Facility Plan**

Permit #45899

**March 2, 2017
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**TO: Leslie Snyder, 94 White Plains Road, Tarrytown,
New York 10591**
FROM: Architecture and Community Appearance Board of Review

RE: 38 N. Middletown Road Roof top Co-location Plan: The application of Verizon Wireless, applicant, for Pearl River Store Associates, owner, for the review of the Installation of a Roof Top Co-location Wireless Communication Facility at a site to be known as “38 N. Middletown Road Roof Top Co-location Plan”, in accordance with Article 16 of the Town Law of the State of New York and Chapter 2 of the Code of the Town of Orangetown. The site is located at 38 North Middletown Road, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 69.13, Block 1, Lot 8; in the CC zoning district.

Heard by the Architecture and Community Appearance Board of Review of the Town of Orangetown at meetings held **Thursday, February 2, February 16 and March 2, 2017** at which time the Board made the following determinations:

February 2, 2017

Edward Teyber appeared and testified for the applicant. The Board received the following items:

A. A letter from Snyder & Snyder, dated January 12, 2017, signed by Leslie Snyder, Esq.

B. Plans prepared by Stephen Bray, P.E., dated March 17, 2016, last revision dated September 30, 2016:

Sheet #A01: Cover Sheet

Sheet #C01: Area Plan

Sheet #C02: Roof Plan

Sheet #C03: Equipment and Antenna Plans

Sheet #C04: Antenna mount details (all sections)

Sheet #C05: Caged access ladder details

Sheet #C06: Hoist Details and Specs.

Sheet #C07: Cable, Antenna & Equipment Details

Sheet #C08: Antenna Paint Specs.

C. A Structural Letter from KMB Design Group, signed by Stephen Bray, P.E., dated September 28, 2016.

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D. A copy of the ACABOR Application and the Material Specification Sheet, dated December 19, 2016.

E. A Memorandum in Support of Application, dated December 19, 2016, signed by Leslie Snyder; Esq., with the following Exhibit #1: FCC Compliance Report, prepared by Pinnacle Telecom Group, entitled "Antenna Site FCC Compliance Assessment and Report, New York SMSA Limited Partnership d/b/a Verizon Wireless, "Pearl River 1 RSC" Site, dated September 26, 2016.

F. A copy of the Building Permit Referral signed by Building Inspector Rick Oliver October 13, 2016.

G. A copy of the Town of Orangetown Town Code: Chapter 43. Zoning, Article VIII. Conditional Use Standards, § 8.15 Wireless communication facilities.

H. Submitted at the meeting by the applicant, photographs of the site, with a computer simulation of the cellular antennas on the roof top; prepared by KMB Design Group, dated January 26, 2017:

View 1: Existing Elevation

View 1: Proposed Elevation

H. A letter signed by Karl Ackermann; area resident, undated.

FINDINGS OF FACT:

1. The Board found that the applicant proposed to place four cellular antennas with a safety cage around the equipment on the roof top of an existing building. A ladder would be placed on the side of the building to access the equipment on the roof.
2. The Board found the colors of the antennas and related equipment would be painted taupe in order to match the existing mechanical equipment on the roof top.
3. The Board found that a permanent hoist, rising 6 feet above the roof line, would be placed at the corner of the roof top. This hoist would allow for maintenance of the cellular antennas and related equipment.
4. The Board found that any cellular equipment below the roof line would be painted the same color as the building.

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5. The Board found that additional information was needed in order to determine the visual impact of the project. Photographs of the building and proposed equipment need to be submitted for a more detailed review.

The meeting was then opened to the Public.

Public Comment:

Karl Ackermann, a Pearl River resident, held that the Board should consider that there are a significant number of other cell towers in Pearl River and that the project should be reviewed by the Planning Board. Mr. Ackermann noted that the building is in disrepair and that the owner should paint the building.

Chris Dennigan, 108 Buchanan, Pearl River, raised concerns regarding the use of the site for a cellular antenna, noting that it was an inappropriate use. He raised concerns regarding traffic around the site and the appearance of the antennas.

James Riley, a Pearl River resident, noted that the Town of Orangetown has a history of limiting cell towers and at least 6 or 7 monopoles are already in Pearl River. The building should be painted before another tower is granted. In addition, Mr. Reilly noted that the site is close to a residential neighborhood and that the Town Code is there to protect the community. He requested that the Board deny the application.

There being no one else to be heard from the public, the Public Hearing portion of the meeting was closed.

A motion was made to reopen the Public Hearing portion of the meeting by Bruce Jensen and second by Brian Aitcheson and agreed by all in attendance.

Public Comment:

Karl Ackermann, a Pearl River resident, requested that the Board deny the application on the appearance of the antennas since it does not look good.

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FINDINGS OF FACT:

6. The Board found that the cellular antennas could not be mounted squarely in the center of the roof since they would not work properly.
7. The Board found that it was not feasible to place the equipment in the center of the roof due to U. S. governmental regulations of the Occupational Safety and Health Administration (OSHA) requirements for worker safety.
8. The Board found that instead of the proposed hoist equipment, a Bucket Truck could do the job; however, the applicant noted that one was not always available.
9. The Board found that additional up-close photographs providing different angles and details were necessary for review.

There being no one else to be heard from the Public, a motion was made to close the Public Hearing portion of the meeting by Brian Terry and second by Deborah Stuhlweissenburg and agreed by all in attendance.

The applicant requested a **CONTINUATION**.

February 16, 2017

Edward Teyber and Leslie Snyder appeared and testified for the applicant. The Board received the following items:

A. A letter from Snyder & Snyder, dated February 10, 2017, signed by Edward Teyber, Esq.

B. Plans prepared by Stephen Bray, P.E., dated March 17, 2016, last revision dated February 10, 2017:

Sheet #A01: Cover Sheet
Sheet #GN01: General Notes 1 of 2
Sheet #GN02: General Notes 2 of 2
Sheet #C01: Area Plan
Sheet #C02: Roof Plan

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Sheet #C02A: Elevation
Sheet #C03: Equipment and Antenna Plans
Sheet #C04: Antenna Mount Details (all sections)
Sheet #C04A: Utility Mount Details
Sheet #C04B: Utility Mount Details
Sheet #C05: Caged Access Ladder Details
Sheet #C06: Hoist Details and Specifications
Sheet #C07: Cable, Antenna & Equipment Details
Sheet #C08: Antenna Paint Specifications
Sheet #E01: General Information
Sheet #E02: Service Plan (Ground Level)
Sheet #E03: Grounding & Weatherproofing Detail

C. A letter from Snyder & Snyder, dated February 16, 2017, signed by Leslie Snyder, Esq.

D. Submitted at the meeting by the applicant, a Visual Resource Evaluation Proposed Rooftop Telecommunications Facility, prepared by KMB Design Group, dated February 10, 2017.

E. A letter from O'Connell & Riley, dated February 14, 2017, signed by James Riley, Esq.

FINDINGS OF FACT:

1. The Board found that the applicant proposed to change the design of the antenna and equipment on the roof top. The cage on the roof top would be replaced with railing, the hoist would be moved back further on the building and the equipment would be boxed in.
2. The Board found that the proposed changes were not sufficient and requested that the location of the mounting brackets be relocated. The Board held that the appearance of the brackets in its proposed location breaks up the rear building façade.
3. The Board found that the applicant was agreeable to placing decorative screening on the rear of the building; covering the visual appearance of the equipment on the roof top.

The meeting was then opened to the Public.

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Public Comment:

Karl Ackermann, a Pearl River resident, requested that the application go to the Planning Board for review. He also noted that ACABOR was doing a great job reviewing the application.

Heather Hurley, a resident of Pearl River resident, also noted that the Board was doing a good job reviewing the application. However, she took offense to being compared to the Town of Clarkstown, noting Orangetown has different rules and regulations as it comes to placement of wireless communication facilities. Ms. Hurley noted that there was a historic cemetery next to the project site and a cell tower was not necessary in this location. She urged the Board not to approve the application that evening.

James Riley, a Pearl River resident, held that the applicant presented incorrect information in their letter dated February 16, 2017, regarding the Town of Orangetown, noting that he does not own property across from the project site, that there is a historic cemetery next to the site, that the site is located near a residential neighborhood and that the high school is in close proximity. Mr. Riley held that if ACABOR lets the applicant intimidate them, the Board did not have a backbone.

There being no one else to be heard from the public.

The applicant requested a **CONTINUATION**.

March 2, 2017

Edward Teyber and Leslie Snyder appeared and testified for the applicant. The Board received the following items:

- A.** A letter from Snyder & Snyder, dated March 1, 2017, signed by Leslie Snyder, Esq.
- B.** A Visual Resource Evaluation Proposed Rooftop Telecommunications Facility, prepared by KMB Design Group, dated February 24, 2017.
- C.** Plans prepared by Stephen Bray, P.E., dated March 17, 2016, last revision dated February 24, 2017:

Sheet #A01: Cover Sheet
Sheet #GN01: General Notes 1 of 2
Sheet #GN02: General Notes 2 of 2
Sheet #C01: Area Plan
Sheet #C02: Roof Plan
Sheet #C02A: Elevation
Sheet #C03: Equipment and Antenna Plans

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Sheet #C04: Antenna Mount Details (all sections)
Sheet #C04A: Utility Mount Details
Sheet #C04B: Utility Mount Details
Sheet #C04C: Antenna Kickback Details
Sheet #C05: Caged access ladder details
Sheet #C06: Railing Details
Sheet #C07: Cable, Antenna & Equipment Details
Sheet #C08: Antenna Paint Specifications
Sheet #E01: General Information
Sheet #E02: Service Plan (Ground Level)
Sheet #E02A: Service Plan (Rooftop)
Sheet #E03: Grounding & Weatherproofing Detail

FINDINGS OF FACT:

1. The Board found that the applicant offered revised plans to respond to the requests of the Board; the revised project plans removed all equipment mounting attachment from the façade, screened the equipment to shield it from view and eliminated the hoist. The applicant offered two alternative design plans for the antenna mounts:
 - a. Alternative A: Roof Mounted Antennas - no antenna mounts would be affixed to the façade of the building but additional support for the antennas would be added on the roof, or
 - b. Alternative B: Upgraded Plate Mounted Antennas, this alternative upgrades the mounts to lay flat on the façade and painted to match the building.
2. The Board found that both Alternative A and B were presented for review in the Visual Resource Evaluation, dated February 24, 2017.
3. The Board found that the applicant offered two types of material to screen the equipment from view on the rear of the Building; a corrugated aluminum or a flat composite. The Board expressed a preference for the flat composite, manufactured by Stealth Concealment Solutions, Inc., in Corothane Flat, smooth, or equal.

The meeting was then opened to the Public.

Public Comment:

Karl Ackermann, a Pearl River resident, wanted to know if the application would go back to the Planning Board for review. In addition, he questioned the meaning of "co-location" and if other antennas would be co-located at the site in the future, or if this is the only antenna at this site.

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James Riley, a Pearl River resident, discussed his travels around Rockland County and the visibility and availability of cell service and antennas. He held that the applicant is trying to slip in a cell antenna in a residential zone and that the building is too low for a cell antenna. He referenced a similar situation on Route 303 a number of years ago where the location of a proposed cell tower was changed due to its proximity of a residential neighborhood. Mr. Riley held that the appearance and use is being shoved down the throat of the community and it should be denied.

Heather Hurley, a resident of Pearl River resident, requested information regarding who was the "Assistant" Building Inspector that reviewed the initial application to the Buildings Department. She requested that the project go back to the Buildings Department for the Director to review.

There being no one else to be heard from the public, the Public Hearing portion of the meeting was closed.

DECISION: In view of the foregoing and the testimony before the Board, the application was **Approved Subject to the Following Conditions:**

1. The Board selected Alternative A of the revised project plans, last revision date of February 24, 2017:
 - a. Alternative A: Roof Mounted Antennas - no antenna mounts will be affixed to the façade of the building but additional support for the antennas will be added on the roof.
2. The applicant shall screen the equipment from view on the rear of the Building; as noted in the February 24, 2017 submitted plans. The selected material will be a flat composite, manufactured by Stealth Concealment Solutions, Inc., in Corothane Flat, smooth, or equal. The colors of the antennas and related equipment will be painted to match the existing mechanical equipment on the roof top. The ladder to be located on the side of the building will match the color of the building façade.

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ACABOR #17-04: Wireless Communication
Roof Top Facility Plan
38 N. Middletown Road
Review of Wireless Communication Roof Top Facility Plan

Permit #45899

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The foregoing resolution was presented and moved by Bruce Jensen, Vice-Chair and seconded by Andrew Andrews carried as follows; Blythe Yost, Chair, aye; Bruce Jensen, Vice-Chair, aye; Brian Aitcheson, aye; Andrew Andrews, aye; Brian Terry, nay; Shirley Goebel Christie, absent; and Deborah Stuhlweissenburg, absent.

The Clerk to the Board is hereby authorized, directed and empowered to sign this **Decision** and file a certified copy in the Office of the Town Clerk and the Office of the Architecture and Community Appearance Board of Review.

Dated: March 2, 2017
Cheryl Coopersmith
Chief Clerk Boards and Commissions



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