

MINUTES
ZONING BOARD OF APPEALS
October 4, 2017

MEMBERS PRESENT: DAN SULLIVAN
JOAN SALOMON
MICHAEL BOSCO
PATRICIA CASTELLI
LEONARD FEROLDI, ALTERNATE

ABSENT: JOAN SALOMON
THOMAS QUINN

ALSO PRESENT: Dennis Michaels, Esq. Deputy Town Attorney
Ann Marie Ambrose, Official Stenographer
Deborah Arbolino, Administrative Aide

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

PUBLISHED ITEMS

APPLICANTS

DECISIONS

NEW ITEMS:

PURRFECT PAWS LLC
17 East Central Avenue
Pearl River, NY
68.16 / 6 / 64; CS zone
SPECIAL PERMIT
GRANTED
ZBA#17-70

*Blauvelt
cc
10/27/17*
VOLPE
65 Burrows Lane
~~Pearl River, NY~~
70.09 / 2 / 36; R-40 zone
SIDE YARD AND
TOTAL SIDE YARD
VARIANCES APPROVED
ZBA#17-71

SPARKILL PALISADES
FIRE DISTRICT
520 Route 340
Sparkill, NY
78.05 / 2 / 60 & 61; RG/ R-15 zone
SIDE YARD AND
TOTAL SIDE YARD
VARIANCES APPROVED
ZBA#17-72

RRIS SITE PLAN
1 Route 340
Orangeburg, NY
77.11 / 2 / 26; CC zone
FRONT YARD AND
SIDE YARD VARIANCES
APPROVED
ZBA#17-73

LINEN CHOICE SITE PLAN
57 North Troop Road, Glenshaw Street
Orangeburg, NY
70.18 / 2 / 17; LI zone
POSTPONED
ZBA#17-74

HNA TRAINING CENTER
SITE PLAN
334 Route 9W
Palisades, NY
78.13 / 1 / 1 ; LO zone
SIDE YARD
VARIANCE APPROVED
ZBA#17-75
*TOWN OF ORANGETOWN
OCT 11 11:29 AM
TOWN CLERK'S OFFICE*

CELTIC SHEET METAL
1 Corporate Drive
Orangeburg, NY
73.20 / 1 / 32 ; LIO zone

SIDE YARD AND ZBA#17-76
REAR YARD VARIANCE
APPROVED

CELTIC SHEET METAL
PERFORMANCE STANDARDS
1 Corporate Drive
Orangeburg, NY
73.20 / 1 / 32 ; LIO zone

PERFORMANCE ZBA#17-77
STANDARDS APPROVED

OTHER BUSINESS:

In response to requests from the Orangetown Planning Board, the Zoning Board of Appeals: RESOLVED, to approve the action of the Acting Chairperson executing on behalf of the Board its consent to the Planning Board acting as Lead Agency for the State Environmental Quality Review Act (SEQRA) coordinated environmental review of actions pursuant to SEQRA Regulations § 617.6 (b)(3) the following applications: Orangetown Plaza Internal Commercial Subdivision Plan, 37 Route 303, Tappan, NY 77.15 / 1 / 34; CS zoning district; and FURTHER RESOLVED, to request to be notified by the Planning Board of SEQRA proceedings, hearings, and determinations with respect to these matters

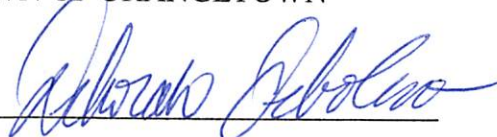
THE DECISIONS RELATED TO THE ABOVE HEARINGS are inserted herein and made part of these minutes.

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 10:30 P.M.

Dated: October 4, 2017

ZONING BOARD OF APPEALS
TOWN OF ORANGETOWN

By 

Deborah Arbolino, Administrative Aide

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

TOWN CLERK'S OFFICE
2017 OCT 27 A 11: 29
TOWN OF ORANGETOWN

DECISION

SPECIAL PERMIT GRANTED

To: Timothy Wolfe
84 Sparrow Lane
Pearl River, New York 10968

ZBA #17-70
Date: October 4, 2017
Permit # 46552

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#17-70: Application of Purrfect Paws LLC for a Special Permit as per Chapter 43 (Zoning) of the Code of the Town of Orangetown §4.31 and , CS District, Section 3.11, Column 3 # 8 (other retail/service) for dog grooming and a retail store. The Premises are located at 17 East Central Avenue, Pearl River, New York and are identified on the Orangetown Tax Map as Section 68.16, Block 6, Lot 64 in the CS zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Monday, October 4, 2017 at which time the Board made the determination hereinafter set forth.

Timothy Wolfe appeared and testified.

The following documents were presented:

1. Survey signed and sealed by Roger Lupino, P.E..
2. Floor plan of the store.
3. A letter dated October 4, 2017 from the Rockland County Department of Planning signed by Douglas J. Schuetz, Acting Commissioner of Planning.
4. A letter dated October 2, 2017 from the Rockland County Highway Department signed by Joseph Arena, Senior Engineering Technician.
5. A letter dated September 15, 2017 from the Rockland County Sewer District#1, signed by Joseph LaFiandra, Engineer II.
6. A letter dated September 6, 2017 from the Rockland County Health Department signed by Scott McKane, P.E., Senior Public Health Engineer.
7. An e-mail dated October 4, 2017 from Shajan S. Thottajkara, P.E., Engineer III Permits Rockland County Drainage Agency.
8. Three letters in support of the business by business owners in the immediate area.

Mr. Sullivan, Chairman, 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, Mr. Sullivan moved for a Board determination that since the foregoing application seeks area or bulk variances for 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 with local land use controls, this application is exempt from the State Environmental Quality Review Act (SEQRA), pursuant to SEQRA Regulation §617.5 (c) (7) which does not require SEQRA environmental review. The motion was seconded by Ms. Salomon and carried as follows: Mr. Sullivan, aye; Ms. Salomon, aye; Ms. Castelli, aye; and Mr. Feroldi, aye. Mr. Quinn and Mr. Bosco were absent.

Timothy Wolfe testified that the space is primarily used for dog grooming; that they have a small area about 10'x 12' in the front of the house for retail; that they sell leashes and treats and toys; that they have two sinks for washing and two areas for grooming; that presently he has one full time groomer and one part time; that the goal is to do five dogs a day; and that they have a backdoor that they could use to take the dogs for a walk if needed.

TOWN OF ORANGETOWN
2017 OCT 27 AM 11:01
JENNIFER M. SALOMON

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 following Special Findings for the proposed Special Permit Use, as per Zoning Code Section 4.31 have been satisfactorily satisfied, for the following reasons:

1. The requested Special Permit will be appropriately located with respect to transportation, water supply, waste disposal, fire and police protection and other public facilities.
2. The granting of the Special Permit will not cause undue traffic congestion or create a traffic hazard.
3. The granting of the Special Permit will not create, at any point of determination set forth in 4.16 4.17 and 4.18 any more dangerous and objectionable elements, referred to in 4.1,1 than is characteristic of the uses expressly permitted as of right in the same Zoning District.
4. The requested Special Permit will not adversely affect the character of or property values in the area.
5. Will not otherwise impair the public health, safety, morals, convenience, comfort, prosperity and other aspects of the general welfare of the Town.
6. The requested Special Permit will comply with all other regulations applicable to such use. For all Special Permit Uses a proposed plan, showing the size and location of the lot, design and location of the proposed facilities (including access drives, screening and streets within 1,000) feet) and a detailed description thereof must be submitted in accordance with rules prescribed by the Board (if any).
7. Before any Special Permit is granted, the applicant must secure approval of the proposed structure by the Town Engineer or the consulting engineers for the Town of Orangetown, if same has been requested or is otherwise required.

TOWN OF ORANGETOWN
2017 OCT 27 A 11: 29
TOWN CLERK'S OFFICE

DECISION: In view of the foregoing and the testimony and documents presented, the Board RESOLVED that the application for the requested Special Permit is APPROVED; and FURTHER RESOLVED that such decision and the vote thereon shall become effective and be deemed rendered on the date of adoption by the Board of the minutes of which they are a part.

General Conditions:

(i) The approval of any variance or Special Permit is granted by the Board in accordance with and subject to those facts shown on the plans submitted and, if applicable, as amended at or prior to this hearing, as hereinabove recited or set forth.

(ii) Any approval of a variance or Special Permit by the Board is limited to the specific variance or Special Permit requested but only to the extent such approval is granted herein and subject to those conditions, if any, upon which such approval was conditioned which are hereinbefore set forth.

(iii) The Board gives no approval of any building plans, including, without limitation, the accuracy and structural integrity thereof, of the applicant, but same have been submitted to the Board solely for informational and verification purposes relative to any variances being requested.

(iv) A building permit as well as any other necessary permits must be obtained within a reasonable period of time following the filing of this decision and prior to undertaking any construction contemplated in this decision. To the extent any variance or Special Permit granted herein is subject to any conditions, the building department shall not be obligated to issue any necessary permits where any such condition imposed should, in the sole judgment of the building department, be first complied with as contemplated hereunder. Occupancy will not be made until, and unless, a Certificate of Occupancy is issued by the Office of Building, Zoning and Planning Administration and Enforcement which legally permits such occupancy.

(v) Any foregoing variance or Special Permit will lapse if any contemplated construction of the project or any use for which the variance or Special Permit is granted is not substantially implemented within one year of the date of filing of this decision or that of any other board of the Town of Orangetown granting any required final approval to such project, whichever is later, but in any event within two years of the filing of this decision. Merely obtaining a Building Permit with respect to construction or a Certificate of Occupancy with respect to use does not constitute "substantial implementation" for the purposes hereof.


TOWN OF ORANGETOWN
2017 OCT 27 A 11: 29
TOWN CLERK'S OFFICE

The foregoing resolution to approve the application for the requested Special Permit was presented and moved by Mr. Sullivan, seconded by Ms. Salomon and carried as follows: Ms. Castelli, aye; Mr. Feroldi, aye; Mr. Sullivan, aye; and Ms. Salomon, aye. Mr. Quinn and Mr. Bosco were 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: October 4, 2017

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-D.M.

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

TOWN CLERK'S OFFICE
2017 OCT 27 A 11:29
TOWN OF ORANGETOWN

DECISION

SIDE YARD AND TOTAL SIDE YARD VARIANCES APPROVED

To: Richard and Joanne Volpe
65 Burrows Lane
Blauvelt, New York 10913

ZBA #17-71
Date: October 4, 2017
Permit # 46621

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#17-71: Application of Richard Volpe for variances from Zoning Code (Chapter 43) of the Town of Orangetown Code, R-40 District, Group E, Section 3.12, Columns 9 (Side Yard: 30' required, 5' proposed), and 10 (Total Side Yard: 80' required, 25.5' proposed) for a detached two-car garage at an existing single family residence. The premises are located at 65 Burrows Lane, Blauvelt, New York and are identified on the Orangetown Tax Map as Section 70.09, Block 2, Lot 36; in the R-40 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Monday, October 4, 2017 at which time the Board made the determination hereinafter set forth.

Richard Volpe appeared and testified.

The following documents were presented:

1. Plot plan based on Survey dated August 4, 1981 by Dillion and Sorace, L.S., signed and sealed by Jane Slavin, Architect.
2. Architectural plans dated 06/15/2017 with the latest revision date of 08/08/2017 signed and sealed by Jane Slavin, Registered Architect.
3. Two letters in support of the application from neighbors.

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

On advice of Dennis Michaels, Deputy Town Attorney, counsel to the Zoning Board of Appeals, Mr. Sullivan 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) (9), (10), (12) and/or (13); which does not require SEQRA environmental review. The motion was seconded by Ms. Castelli and carried as follows: Mr. Sullivan, aye; Ms. Salomon, aye; Mr. Feroldi, aye; and Ms. Castelli, aye. Mr. Bosco and Mr. Quinn were absent.

Richard Volpe testified that they have owned the house for 32 years; that the family has grown; that they have four cars; that he would like the convenience of having his car in the garage; that the house is zoned R-40 and in order to meet the side and rear yard setbacks for the zone, the garage would need to be in the middle of the back yard; that the area that is proposed for the garage is at the end of the driveway; and it is adjacent to his neighbors shed.

TOWN OF ORANGETOWN
2017 OCT 27 A 11: 29
TOWN CLERK'S OFFICE

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 side yard and total side yard variances will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. Similar structures have been constructed in the neighborhood.
2. The requested side yard and total side yard variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. Similar structures have been constructed in the neighborhood.
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 side yard and total side yard variances, 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. Similar structures have been constructed in the neighborhood.
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.

TOWN OF ORANGETOWN
2017 OCT 27 A 11: 29
TOWN CLERK'S OFFICE

DECISION: In view of the foregoing and the testimony and documents presented, the Board RESOLVED that the application for the requested side yard and total side yard 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.

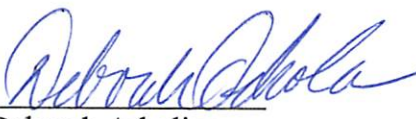
TOWN CLERK'S OFFICE
2017 OCT 27 A 11: 29
TOWN OF ORANGETOWN

The foregoing resolution to approve the application for the requested side yard and total side yard variances was presented and moved by Mr. Feroldi, seconded by Ms. Castelli and carried as follows: Ms. Castelli, aye; Mr. Feroldi, aye; Mr. Sullivan, aye; and Ms. Salomon, aye. Mr. Bosco and Mr. Quinn were 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: October 4, 2017

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-D.M.

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

TOWN CLERK'S OFFICE
2017 OCT 27 A 11:29
TOWN OF ORANGETOWN

DECISION

SIDE YARD AND TOTAL SIDE YARD VARIANCES APPROVED

To: John Atzl (Sparkill Firehouse)
234 N. Main Street
New City, New York 10956

ZBA #17-72
Date: October 4, 2017
Permit #46585

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#17-72: Application of Sparkill Palisades Fire District for variances from Chapter 43 (Zoning Code) of the Town of Orangetown Code, Section 3.12, RG District, Group S, R-15 District, Group C, same as R-80 District Group C, Column 9 (Side Yard: 100' required, 69' existing, 35.7' proposed) and 10 (Total Side Yard: 200' required, 189.9' existing, 156.5' proposed) for an addition to the existing firehouse. The firehouse is located at 520 Route 340, Sparkill, New York and is identified on the Orangetown Tax Map as Section 78.05, Block 2, Lots 60 & 61; in the RG/R-15 zoning districts.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Monday, October 4, 2017 at which time the Board made the determination hereinafter set forth.

John Atzl, Land Surveyor and Engineer, appeared and testified.

The following documents were presented:

1. Plans labeled "Existing Site Plan, Site Plan and Grading Plan" dated May 15, 2017 signed and sealed by John R. Atzl, L.S. and Ryan N. Nasher, P.E..
2. Schematic Architectural plans for the Sparkill-Palisades Fire District by Martin Sendlewski not signed or sealed.
3. A letter dated September 26, 2017 from the Rockland County Department of Planning signed by Douglas J. Schuetz, Acting Commissioner.
4. A letter dated August 23, 2017 from the Rockland County Health Department signed by Scott McKane, P.E., Senior Public Health Engineer.
5. A letter dated August 31, 2017 from the Rockland County Sewer District #1 signed by Joseph LaFiandra, Engineer II.
6. A letter dated August 29, 2017 from the Rockland County Highway Department signed by Joseph Arena, Senior Engineering Technician.

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

On advice of Dennis Michaels, Deputy Town Attorney, counsel to the Zoning Board of Appeals, Mr. Sullivan moved for a Board determination that since the Planning Board noticed its intent to declare itself Lead Agency and distributed that notice of intention to all involved agencies, including the Zoning Board of Appeals who consented or did not object to the Planning Board acting as Lead Agency, pursuant to coordinated review under the State Environmental Quality Review Act Regulation § 617.6 (b) (3); and since the Planning Board conducted a SEQRA review on July 26, 2017, and rendered an environmental determination of no significant adverse environmental impacts to result from the proposed land use action (i.e. a "Negative Declaration" or "Neg Dec") the Zoning Board of Appeals is bound by the Planning Board's Neg Dec and the Zoning Board of Appeals cannot require further SEQRA review pursuant to SEQRA Regulation § 617.5 (b) (3). The motion was seconded by Ms. Castelli and carried as follows: Mr. Sullivan, aye; Ms. Salomon, aye; Mr. Feroldi, aye; and Ms. Castelli, aye. Mr. Bosco and Mr. Quinn were absent.

John Atzl, testified that he is representing the firehouse and he would like the Board to consider an over-ride to Rockland County Planning's letter that is dated September 26, 2017; that the addition was designed on this side of the existing firehouse for several reasons; that the existing bays exist on this side of the building and it is closer to the commercial establishment rather than

the houses on the other side; and the building in rear will be on piers because of the flood plain; that they know they need a permit from Rockland County Drainage and are working toward that; that they cannot re-design the building and keep its functionality.

Public Comment:

Michael Yannzzone, Fire Commissioner residing at 348 Route 340, testified that in 1969 William Yuda designed the existing building to work into the future; that it has done well but the future is here and the building is outdated for some of today's apparatus; that many items are stored outside; that the trainees are cramped for room to dress for a fire; and for safety reasons they need this modest addition.

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 side yard and total side yard variances will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The proposed modest addition was designed to accommodate equipment that needs to be on the apparatus floor, and is being built on the side of the building closest to an existing commercial establishment.
2. The Board voted to override Modification #1 of the Rockland County Planning Department's NYS General Municipal Law ("GML") letter dated September 26, 2017 signed by Douglas AJ. Schuetz, Acting Commissioner for the following reasons: (a) Anywhere an addition would be built on the property would require variances; (b) The apparatus floor exists on this side of the building, which is closest to an established commercial establishment; and (c) the rear of the addition shall be built on piers to accommodate the floodplain.
3. The Board also voted to override Modification #6 of the Rockland County Planning Department's (GML) letter dated September 26, 2017 signed by Douglas AJ. Schuetz, Acting Commissioner for the following reasons: (a) Application is for area variances relating to a site development plan, not a subdivision; and (b) the Village of Piermont is not an "Involved" Agency; the Village is an "Interested" Agency, as per SEQRA Regulation §617.6 (b) (3), since the Village has no approval jurisdiction over the project.
4. The requested side yard and total side yard variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The proposed modest addition was designed to accommodate equipment that needs to be on the apparatus floor, and is being built on the side of the building closest to an existing commercial establishment.

5. The benefits sought by the applicant cannot be achieved by other means feasible for the applicant to pursue other than by obtaining variances.
6. The requested side yard and total side yard variances, 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 proposed modest addition was designed to accommodate equipment that needs to be on the apparatus floor, and is being built on the side of the building closest to an existing commercial establishment.
7. 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 and total side yard variances are APPROVED; and to override Modifications#1 and #6 of the Rockland County Planning Department's (GML) letter dated September 26, 2017 signed by Douglas J. Schuetz, Acting Commissioner, for the reasons stated in the findings of fact; 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.

TOWN OF ORANGETOWN
OCT 27 4 11:29

(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 and total side yard variances and to override Modifications #1 and #6 of the Rockland County Planning Department's (GML) letter dated September 26, 2017 signed by Douglas J. Schuetz, Acting Commissioner, for reasons stated in the findings of facts; was presented and moved by Ms. Salomon, seconded by Ms. Castelli and carried as follows: Mr. Feroldi, aye; Ms. Castelli, aye; Mr. Sullivan, aye; and Ms. Salomon, aye. Mr. Bosco and Mr. Quinn were 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: October 4, 2017

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-D.M.

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

TOWN OF ORANGETOWN
2017 OCT 27 A 11:30
TOWN CLERK'S OFFICE

DECISION

FRONT YARD AND SIDE YARD VARIANCES APPROVED

To: Donald Brenner (RRIS Corp.)
4 Independence Avenue
Tappan, New York 10983

ZBA #17-73
Date: October 4, 2017
Permit #45162

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#17-73: Application of RRIS Corp. for variances from Zoning Code (Chapter 43) Section 3.12, CC District, Group JJ, Columns 8 (Front Yard: 0' or 45' required, 25' proposed) and 9 (Side Yard: 0' or 12' required, 3.4' existing, 5' proposed) for a proposed one story commercial building with four tenants. The property is located at 1 Route 340, Orangeburg, New York and is identified on the Orangetown Tax Map as Section 74.11 Block 2 Lot 26; CC zone.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Monday, October 4, 2017 at which time the Board made the determination hereinafter set forth.

Jesse Cokeley, P.E. and Donald Brenner, Attorney, appeared and testified.

The following documents were presented:

1. Plans labeled "Preliminary Major Site Plan for RRIS Corporation, Retail/Service with Accessory Storage", pages 1-4 of 11, prepared by Maser Consulting, P.A. not signed or sealed dated 08/03/2017.
2. Planning Board Decision dated July 26, 2017 with Neg. Dec.
3. A letter dated October 3, 2017 from the Rockland County Department of Planning signed by Douglas J. Schuetz, Acting Commissioner of Planning.
4. A letter dated June 13, 2017 from the Rockland County Drainage Agency signed by Vincent Altieri, Executive Director.
5. A letter dated August 31, 2017 from the Rockland County Sewer District #1, signed by Joseph LaFiandra, Engineer II.

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

On advice of Dennis Michaels, Deputy Town Attorney, counsel to the Zoning Board of Appeals, Mr. Sullivan moved for a Board determination that, since the Planning Board noticed its intent to declare itself Lead agency and distributed that notice of intention to all involved agencies, including the Zoning Board of Appeals who consented or did not object to the Planning Board acting as Lead Agency pursuant to coordinated review under the State Environmental Quality Review Act Regulation § 617.6 (b) (3); and since the Planning Board conducted a SEQRA review on May 27, 2017 and rendered an environmental determination of no significant adverse environmental impacts to result from the proposed land use action (i.e. a "Negative Declaration" or "Neg Dec") on May 27, 2017, the Zoning Board of Appeals is bound by the Planning Board's Neg Dec and the Zoning Board of Appeals cannot require further SEQRA review pursuant to SEQRA Regulation § 617.5 (b) (3). The motion was seconded by Ms. Castelli and carried as follows: Mr. Sullivan, aye; Ms. Salomon, aye; Mr. Feroldi, aye; and Ms. Castelli, aye. Mr. Bosco and Mr. Quinn were absent.

Donald Brenner, Attorney, testified that they are proposing to remove the existing two buildings on the site that are in disrepair; that the boarding house will be removed and the old car supply building also; that they are proposing a new building with four tenants; and that he would request an override for the floodplain administrator comment on the letter from Rockland County Planning.

Jesse Cokeley, P.E., testified that the lot has physical, legal and environmental restraints; that the lot fronts on Route 340 and juts back along the creek with easements for sewer and trunk lines and the floodplain; that they are building a 12,000 sq. ft. building and having parking in the rear with grass type pavers for parking; that the existing building is 3 ½' from the D'Auria property and new building will be five feet to the property line.

Public Comment:

Sheila D'Auria, 3 Route 340, asked where the new building would be located; that the existing fence is on the property line; and would like to know how close to the property line the new building would be?

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 front yard and side yard variances will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The existing buildings on the lot are in disrepair and the new proposed one-story building will be an improvement for the area.
2. The requested front yard and side yard variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The existing buildings on the lot are in disrepair and the new proposed one-story building will be an improvement for the area.
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 front yard and side yard variances, 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 existing buildings on the lot are in disrepair and the new proposed one-story building will be an improvement for the area.
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 front yard and side yard variances for the new proposed one-story commercial building is APPROVED; and FURTHER RESOLVED, that such decision and the vote thereon shall become effective and be deemed rendered on the date of adoption by the Board of the minutes of which they are a part.

General Conditions:

(i) The approval of any variance or Special Permit is granted by the Board in accordance with and subject to those facts shown on the plans submitted and, if applicable, as amended at or prior to this hearing, as hereinabove recited or set forth.

(ii) Any approval of a variance or Special Permit by the Board is limited to the specific variance or Special Permit requested but only to the extent such approval is granted herein and subject to those conditions, if any, upon which such approval was conditioned which are hereinbefore set forth.

(iii) The Board gives no approval of any building plans, including, without limitation, the accuracy and structural integrity thereof, of the applicant, but same have been submitted to the Board solely for informational and verification purposes relative to any variances being requested.

(iv) A building permit as well as any other necessary permits must be obtained within a reasonable period of time following the filing of this decision and prior to undertaking any construction contemplated in this decision. To the extent any variance or Special Permit granted herein is subject to any conditions, the building department shall not be obligated to issue any necessary permits where any such condition imposed should, in the sole judgment of the building department, be first complied with as contemplated hereunder. Occupancy will not be made until, and unless, a Certificate of Occupancy is issued by the Office of Building, Zoning and Planning Administration and Enforcement which legally permits such occupancy.

(v) Any foregoing variance or Special Permit will lapse if any contemplated construction of the project or any use for which the variance or Special Permit is granted is not substantially implemented within one year of the date of filing of this decision or that of any other board of the Town of Orangetown granting any required final approval to such project, whichever is later, but in any event within two years of the filing of this decision. Merely obtaining a Building Permit with respect to construction or a Certificate of Occupancy with respect to use does not constitute "substantial implementation" for the purposes hereof.

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The foregoing resolution to approve the application for the requested front yard and side yard variances for the new proposed one-story commercial building was presented and moved by Ms. Castelli, seconded by Ms. Salomon and carried as follows: Mr. Feroldi, aye; Ms. Castelli, aye; Mr. Sullivan, aye; and Ms. Salomon, aye. Mr. Bosco and Mr. Quinn were 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: October 4, 2017

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-R.A.O.

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

TOWN OF ORANGETOWN
2017 OCT 27 A 11:30
TOWN CLERK'S OFFICE

DECISION

SIDE YARD VARIANCE APPROVED

To: Brian Quinn
67 North Main Street
New City, New York 10956

ZBA #17-75
Date: October 4, 2017
Permit #46550

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#17-75: Application of HNA Training Center for a variance from Zoning Code (Chapter 43) of the Town of Orangetown Code, Section 3.12, LO District, Group W, Column 9 (Side Yard: 150' required, 51.47' proposed) for an addition to the commercial Executive Conference Facility which allows "housing". The property is located at 334 Route 9W, Palisades, New York and is identified on the Orangetown Tax Map as Section 78.13 Block 1 Lot 1; LO zone.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Monday, October 4, 2017 at which time the Board made the determination hereinafter set forth.

Anthony Montalbano, Attorney, and Jesse Cokeley, P.E., appeared and testified.

The following documents were presented:

1. Plans labeled "HNA Palisades Conference Center, Proposed Guestroom Addition" by Thomas Hamilton & Associates dated 07/06/2017 signed and sealed by Thomas Hamilton, Architect. (3 pages)
2. A narrative dated August 11, 2017 from Maser Consulting, signed by Jesse B. Cokeley, P.E. (3 pages).
3. A letter dated September 22, 2017 from the Rockland County Department of Planning signed by Douglas J. Schuetz, Acting Commissioner of Planning.
4. A letter dated August 31, 2017 from the Rockland County Sewer District #1 signed by Joseph LaFiandra, Engineer II.
5. An e-mail dated October 4, 2017 from Rockland County Drainage Agency, Shajan S. Thottakara, P.E..
6. A letter dated August 23, 2017 from the Rockland County Health Department signed by Scott McKane, P.E., Senior Public Health Engineer.

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

On advice of Dennis Michaels, Deputy Town Attorney, counsel to the Zoning Board of Appeals, Mr. Sullivan moved for a Board determination that since the Planning Board noticed its intent to declare itself Lead agency and distributed that notice of intention to all involved agencies, including the Zoning Board of Appeals who consented or did not object to the Planning Board acting as Lead Agency pursuant to coordinated review under the State Environmental Quality Review Act Regulation § 617.6 (b) (3); and since the Planning Board conducted a SEQRA review on July 26, 2017 and rendered an environmental determination of no significant adverse environmental impacts to result from the proposed land use action (i.e. a "Negative Declaration" or "Neg Dec") the Zoning Board of Appeals is bound by the Planning Board's Neg Dec and the Zoning Board of Appeals cannot require further SEQRA review pursuant to SEQRA Regulation § 617.5 (b) (3). The motion was seconded by Ms. Castelli and carried as follows: Mr. Sullivan, aye; Ms. Salomon, aye; Mr. Feroldi, aye; and Ms. Castelli, aye. Mr. Bosco and Mr. Quinn were absent.

Anthony Montalbano, Attorney, testified that # 1 of the Rockland County Planning Department letter is not correct; that this is the former IBM property; that the property was purchased in January 2016; that it abuts the Rockland Country Club and there are no objections from neighbors; that they are proposing to extend the existing building by the lake because it

the prettiest part of the property; that the executive training center is used many corporations for team building and the catering facility is and overnight accommodations are needed; that the existing facility needs to be upgraded to entice more companies to use this site for their corporate gatherings.

Jesse Cokeley, P.E., testified that the proposed residential units are proposed to be built along the pond with refurbishing of the other units at a cost of about a quarter million dollars; that the aerial view shows east of the facility a circular drop off and the scenic look that matched the rest of the facility; that these units will be connected with an elevated walkway over the pond and a new elevated walkway; that the setback for front yard is 151.47'; that the buffer from the property line is 100' and the Planning Board can waive the set back up to fifty feet but they would still need a variance because the country Club property is zoned residential and that causes the need for the variance; that the building does not require a height variance; that they met with John Giardiello regarding the measurement of the height and it was determined that a height variance was not required; and when everything is done there will be 302 rooms and presently there are 206 rooms.

David Roman, Director of Operations for the Conference Center testified that they would love to move forward as a hotel and conference center.

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 side yard variance will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The side yard variance is needed for the property that abuts the Rockland Country Club, which is zoned residential but is used as a golf course and country club.
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 side yard variance is needed for the property that abuts the Rockland Country Club, which is zoned residential but is used as a golf course and country club.
3. The benefits sought by the applicant cannot be achieved by other means feasible for the applicant to pursue other than by obtaining variances.

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4. The requested side yard 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 side yard variance is needed for the property that abuts the Rockland Country Club, which is zoned residential but is used as a golf course and country club.
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; and to override modification #1 of the Rockland County Department of Planning NYS General Municipal Law (GML) letter dated September 22, 2017 because the Orangetown Office of Building, Zoning and Planning Administration and Enforcement determined that the height was in compliance with the Zoning Code; 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 and to override modification #1 of the Rockland County Department of Planning NYS General Municipal Law (GML) letter dated September 22, 2017 because the Orangetown Office of Building, Zoning and Planning Administration and Enforcement determined that the height was in compliance with the Zoning Code; was presented and moved by Ms. Salomon, seconded by Ms. Castelli and carried as follows: Mr. Feroldi, aye; Mr. Sullivan, aye; and Ms. Salomon, aye; and Ms. Castelli, aye. Mr. Bosco and Mr. Quinn were 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: October 4, 2017

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-R.A.O.

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

TOWN CLERK'S OFFICE
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TOWN OF ORANGETOWN

DECISION

SIDE YARD AND REAR YARD VARIANCES APPROVED

To: Donald Brenner (Celtic area variances)
4 Independence Avenue
Tappan, New York 10983

ZBA #17-76
Date: October 4, 2017
Permit #44291

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#17-76: Application of Celtic Sheet Metal for an amendment to variances that were granted in ZBA Decision # 15-71: from Zoning Code (Chapter 43) of the Town of Orangetown Code, Section 3.12, LIO District, Group CC, Column 9 (Side Yard: 100' required, 42.91' approved, 42.7' as built) and 11 (Rear Yard: 100' required, 54.04' approved, 53.5' as built) for a 55,000 sq. ft. expansion to an existing commercial building. The property is located at 1 Corporate Drive, Orangeburg, New York and is identified on the Orangetown Tax Map as Section 73.20 Block 1 Lot 32; LIO zone.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Monday, October 4, 2017 at which time the Board made the determination hereinafter set forth.

Donald Brenner, Attorney, Michael and Kerry Cunney appeared and testified.

The following documents were presented:

1. Foundation location survey dated 8/24/2017 signed and sealed by Jay Greenwell, L.S.
2. A letter dated September 11, 2017 from the Rockland County Health Department signed by Scott McKane, P.E., Senior Public Health Engineer.
3. A letter dated September 15, 2017 from the Rockland County Sewer District #1 signed by Joseph La Fiandra, Engineer II.
4. A letter dated September 29, 2017 from the Rockland County Highway Department signed by Joseph Arena, Senior Engineering Technician.

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

On advice of Dennis Michaels, Deputy Town Attorney, counsel to the Zoning Board of Appeals, Mr. Sullivan moved for a Board determination that since the Planning Board noticed its intent to declare itself Lead Agency and distributed that notice of intention to all Involved Agencies, including the ZBA who consented or did not object to the Planning Board acting as Lead Agency for this application, pursuant to coordinated review under the State Environmental Quality Review Act Regulation § 617.6 (b)(3); and since the Planning conducted a SEQRA review and, on May 27, 2015 rendered an environmental determination of no significant adverse environmental impacts to result from the proposed land use action (i.e. a "Negative Declaration" or "Neg Dec."), the ZBA is bound by the Planning Board's Neg Dec and the ZBA cannot require further SEQRA review pursuant to SEQRA Regulation § 617.6 (b)(3). The motion was seconded by Ms. Castelli and carried as follows: Mr. Sullivan, aye; Ms. Salomon, aye; Mr. Feroldi, aye; and Ms. Castelli, aye. Mr. Bosco and Mr. Quinn were absent.

Donald Brenner, Attorney, testified that the architect and the land surveyor came up with different measurements on the building when it was as-built time; and the building inspector sent them back to correct the variance.

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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 and rear yard variances will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The as built changes are minor and will not be noticeable when the building is finished.
2. The requested side yard and rear yard variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The as built changes are minor and will not be noticeable when the building is finished.
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 side yard and rear yard variances, 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 as built changes are minor and will not be noticeable when the building is finished.
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.

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DECISION: In view of the foregoing and the testimony and documents presented, the Board RESOLVED that the application for the requested side yard and rear yard 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.


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The foregoing resolution to approve the application for the requested side yard and rear yard variances was presented and moved by Mr. Sullivan, seconded by Ms. Salomon and carried as follows: Mr. Feroldi, aye; Mr. Sullivan, aye; Ms. Salomon, aye; and Ms. Castelli, aye. Mr. Bosco and Mr. Quinn were 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: October 4, 2017

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
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MGMT. and ENGINEERING
FILE,ZBA, PB
CHAIRMAN, ZBA, PB, ACABOR

TOWN OF ORANGETOWN
2017 OCT 27 A 11:30
TOWN CLERK'S OFFICE

DECISION

CONFORMANCE TO PERFORMANCE STANDARDS APPROVED

To: Donald Brenner (Celtic Sheet Metal)
4 Independence Avenue
Tappan, New York 10983

ZBA #17-77
Date: October 4, 2017
Permit #46740

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#17-77: Application of Celtic Sheet Metal requesting the Zoning Board of Appeals' review, and determination, of conformance with the Town of Orangetown Zoning Code (Orangetown Code Chapter 43) Section 4.1, Performance Standards for sheet metal operations at a 55,000 sq. ft. expansion to an existing commercial building. The property is located at 1 Corporate Drive, Orangeburg, New York and is identified on the Orangetown Tax Map as Section 73.20 Block 1 Lot 32; LIO zone.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, October 4, 2017 at which time the Board made the determination hereinafter set forth.

Kerri Cunney, Construction Manager, Michael Cunney and Tom Culley, Business Partners, Ramone Medina, Facility Manager, and Donald Brenner, Attorney, appeared and testified.

The following documents were presented:

1. Floor Plan for Kerri Cunney Addition for Rathmagurry Realty dated February 2, 2017 not signed or sealed and drawn by KC.
2. Overall Site Plan for Celtic Sheet Metal dated 03/17/2015 with the latest revision date of 02/10/2016 signed and sealed by Steven Grogg, McLaren, Engineers.
3. Use Subject to Performance Standards Resume of Operations and Equipment dated September 1, 2017 .
4. Operation and Instruction Manual Full Coil Line (9 pages).
5. Angle Machine FICEP Model A 162: (2 pages).
6. AutoDrive 4R220 Robotic Welder (3 pages).
7. Power Wave SST Module (2pages).
8. Magnum Pro Thru The Arm Robotic Torch (2pages).
9. Power Ream (5 pages).
10. Hydraulic Shear MVS-E maintenance & installation manual (5 pages).
11. Power Saw (4pages).
12. Roto-Die Hydraulic Benders (2 pages).
13. Model 4014CM Ironworker (2 pages)
14. BPR Curvatrici (4 pages).
15. Accurshear user manual (19 pages).
16. PLS-72 Longitudinal Seam Welder (2 pages).
17. Users Manuel Tool/cell (6 pages).
18. Vicon HVAC 520 Plasma Cutting System (6 page).
19. Hypertherm Powermax 65 (5 pages).
20. AGF-16 Operator's Manuel (2pages).
21. Vi-Stream Waterjet Liner Cutting System (pages).
22. HyPrecision 15 (4 pages).
23. Rolling Head Pinspotter (4 pages).
24. Sure-Lok F Series 18 and 24 (2 pages).
25. AccurPress 713012 (4 pages).

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26. TDC 14 station lockformer (2 pages).
27. 20 Gauge Super-Speed LockFormer (2 pages).
28. Super Spee Leatformer Model No. 8900 (2 pages).
29. BE-6016 & BE-6020 Beader (5 pages).
30. Lockformer Model 24-S
31. TennSmith Model PR16 Power Rotary (2 pages).
32. Roto Notcher (4 pages).
33. Spin Collar Maker
34. Screw Compressors (5 pages).
35. Air Center (2 page).
36. Manuel for HB_825-C (4 pages).
37. Engel Pittsburgh Seam Closer.
38. Dual Head Fixed Size Cornermatic.
39. 5.5 Chop Saw.
40. MDS Sheets
41. Fire Prevention Supplement.
42. A letter dated October 4,2017 from Joseph J. Moran, P.E., Department of Environmental Management and Engineering, Town of Orangetown.
43. A memorandum dated October 4, 2017 from the Town of Orangetown Bureau of Fire Prevention from Michael B. Bettmann, Chief Fire Inspector.
44. A letter dated September 29, 2017 from the Rockland County Highway Department signed by Joseph Arena, Senior Engineering Technician.
45. A letter dated September 11, 2017 from the Rockland County Health Department signed by Scott McKane, P.E., Senior Public Health Engineer.
46. A letter dated September 15, 2017 from the Rockland County Sewer District #1 signed by Joseph LaFiandra, Engineer II.

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

On advice of Dennis Michaels, Deputy Town Attorney, counsel to the Zoning Board of Appeals, Mr. Sullivan moved for a Board determination, based upon the testimony heard by this Board and the facts as presented in the application submissions and in the record, that since the application entails the ZBA engaging in a review to determine compliance with technical requirements, the application is a Type II action exempt from the State Environmental Quality Review Act (SEQRA), pursuant to SEQRA Regulations §617.5 (c) (28); which does not require SEQRA environmental review. The motion was seconded by Ms. Castelli and carried as follows: Mr. Sullivan, aye; Mr. Feroldi , aye; Ms. Salomon, aye; and Ms. Castelli, aye. Mr. Quinn and Mr. Bosco were absent.

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Donald Brenner testified that they are here for performance standards for the operation and Michael Cunney will explain the business.

Michael Cunney testified that they use sheet metal to fabricate pieces for air conditioning; that they will be doing the same operation here as they are on the side of the building; that they make sheet metal accessories and duct work; and that all of these machines are the same machines that are used in the other building.

The Board reviewed the Performance Standards and Fire Supplement forms.

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 of the documents submitted, the Board found and concluded that:

Based upon the information contained in the applicant's Resume of Operations and Equipment, and the Fire Prevention Supplement; the report dated October 4, 2017 from Joseph J. Moran, P.E., Commissioner of the Town of Orangetown Department of Environmental Management and Engineering (D.E.M.E.); the report dated October 4, 2017 from Michael B. Bettmann, Chief Fire Inspector, Town of Orangetown Bureau of Fire Prevention (B.F.P.); the other documents submitted to the Board, and the testimony of Applicant's representatives, the Board finds and concludes that the application conforms with the Performance Standards set forth in Zoning Code Section 4.1, subject to compliance with the orders, rules and regulations of the Orangetown Office of Building, Zoning & Planning Administration & Enforcement, D.E.M.E., B.F.P., and all other departments having jurisdiction of the premises.

DECISION: In view of the foregoing and the testimony and documents submitted, the Board: **RESOLVED** that the Application for Performance Standards Conformance, pursuant to Zoning Code § 4.1, is **APPROVED** with the following **SPECIFIC CONDITIONS**: (1) the report dated October 4, 2017 from Joseph J. Moran, P.E., Commissioner of the Orangetown Department of Environmental Management and Engineering (D.E.M.E.); (2) the report dated October 4, 2017 from Michael B. Bettmann, Chief Fire Inspector, Town of Orangetown Bureau of Fire Prevention (B.F.P.); shall be complied with; **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, Performance Standards Conformance, 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, Performance Standards Conformance, or Special Permit by the Board is limited to the specific variance, Performance Standards Conformance, 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 Performance Standards Conformance, variances, or Special Permit 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, Performance Standards Conformance, 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 approved variance, Performance Standards Conformance, or Special Permit will lapse if any contemplated construction of the project or any use for which the variance, Performance Standards Conformance 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.


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The foregoing Resolution, to approve the application for the requested conformance to Performance Standards with the following conditions: (1) the report dated October 4, 2017 from Joseph J. Moran, P.E., Commissioner of the Orangetown Department of Environmental Management and Engineering (D.E.M.E.); (3) the report dated October 4, 2017 from Michael B. Bettmann, Chief Fire Inspector, Town of Orangetown Bureau of Fire Prevention (B.F.P.); shall be complied with; was presented and moved by Mr. Sullivan, seconded by Ms. Salomon and carried as follows: Mr. Feroldi, aye; Ms. Salomon, aye; Ms. Castelli, aye ; and Mr. Sullivan, aye. Mr. Bosco and Mr. Quinn were 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: October 4, 2017

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

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