

MINUTES  
ZONING BOARD OF APPEALS  
November 2, 2016

MEMBERS PRESENT: PATRICIA CASTELLI  
THOMAS QUINN  
JOAN SALOMON  
MICHAEL BOSCO  
LEONARD FEROLDI, ALTERNATE

ABSENT: DAN SULLIVAN

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:

MURPHY 56 Riverside Drive Blauvelt, NY 69.20 / 1 / 3; R-15 zone	TOTAL SIDE YARD VARIANCE APPROVED	ZBA#16-95
CUNNINGHAM HOUSE 118 Main Street Tappan, NY 77.11/ 3 / 2; CS zone	SECTION 6.36 GRAVEL PARKING APPROVED WITH ONE HANDICAP SPACE SEVEN SPACES APPROVED	ZBA#16-96
REISS 5 Redbud Lane Blauvelt, NY 70.06 / 1 / 20; R-40 zone	LOT FRONTAGE AND REAR YARD VARIANCES APPROVED	ZBA#16-97
GENTLE GIANT BREWING 7 North Main Street Pearl River, NY 68.16 / 1 / 16; CS zone	PARKING VARIANCE APPROVED	ZBA#16-98
PFIZER BUILDING 222 PERFORMANCE STANDARDS 401 North Middletown Road Pearl River, NY 68.08 / 1 / 5; LI zone	CONFORMS	ZBA#16-99

TOWN OF ORANGETOWN  
2016 NOV 21 AM 11 18  
TOWN CLERKS OFFICE

RAMM BEAUTY  
PERFORMANCE STANDARDS  
30 Corporate Drive  
Orangeburg, NY  
73.19 / 1 / 2; LIO zone

CONFORMS

ZBA#16-100

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: Kolb Subaru Site Plan and Conditional Use Permit, 582 Route 303, Blauvelt, NY; 70.14 / 4 / 12; CC zone; 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: November 2, 2016

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 CLERKS OFFICE  
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TOWN OF ORANGETOWN

DECISION

**TOTAL SIDE YARD VARIANCE APPROVED**

To: Kevin Murphy  
56 Riverside Terrace  
Blauvelt, New York 10913

ZBA #16-95  
Date: November 2, 2016  
Permit # 45739

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#16-95: Application of Kevin Murphy for variances from Zoning Code (Chapter 43) of the Town of Orangetown Code, R-15 District, Group M, Section 3.12, Column 10 (Total Side Yard; 50' required, 34' proposed) for an addition to an existing single-family residence. The premises are located at 56 Riverside Drive, Blauvelt, New York and are identified on the Orangetown Tax Map as Section 69.20, Block 1, Lot 3; in the R-15 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, November 2, 2016 at which time the Board made the determination hereinafter set forth.

Kevin and Sandra Murphy appeared and testified.

The following documents were presented:

1. Plot plan based on a survey drawn by Barbour and Jost dated 9/13/1962 not signed and sealed by Harry Goldstein, Architect.
2. Architectural plans dated August 5, 2016 by Harry Goldstein, Registered Architect.

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

On advice of Dennis Michaels, Deputy Town Attorney, counsel to the Zoning Board of Appeals, Ms. Castelli moved for a Board determination that the foregoing application is a Type II action exempt from the State Environmental Quality Review Act (SEQRA), pursuant to SEQRA Regulations §617.5 (c) (9), (10), (12) and/or (13); which does not require SEQRA environmental review. The motion was seconded by Ms. Salomon and carried as follows: Ms. Castelli, aye; Ms. Salomon, aye; Mr. Bosco, aye; Mr. Quinn, aye; and Mr. Feroldi, aye. Mr. Sullivan was absent.

Kevin Murphy testified that they would like to expand the house to accommodate their growing family; that they have a two year old and a three month old at home; that they do have a shed in the back yard and it is about 20' from the property line.

Sandra Murphy testified that they would like to bump out in the rear and two feet to the side to make the bedrooms a bit bigger; that presently they do not fit a bed and dresser; and that they are new to Blauvelt but have been Orangetown residents for many years.

TOWN CLERKS OFFICE

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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 total side yard variance will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The lot is long and narrow and the existing house does not meet the required total side yard requirements, and the proposed addition is not large.
2. The requested total side yard variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The lot is long and narrow and the existing house does not meet the required total side yard requirements, and the proposed addition is not large.
3. The benefits sought by the applicant cannot be achieved by other means feasible for the applicant to pursue other than by obtaining a variance.
4. The requested total side yard variance is not substantial.
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 CLERKS OFFICE

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TOWN OF ORANGETOWN

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

General Conditions:

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

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

(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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TOWN OF ORANGETOWN

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

The Administrative Aide to the Board is hereby authorized, directed and empowered to sign this decision and file a certified copy thereof in the office of the Town Clerk.

DATED: November 2, 2016

ZONING BOARD OF APPEALS  
TOWN OF ORANGETOWN

By   
Deborah Arbolino  
Administrative Aide

DISTRIBUTION:

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

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

TOWN CLERKS OFFICE  
2016 NOV 21 AM 11 18  
TOWN OF ORANGETOWN

DECISION

**§ 6.36 GRAVEL PARKING AREA; AND § 3.22, COLUMN 6 #2 (REQUIRED OFF-STREET PARKING SPACES) VARIANCES APPROVED**

To: Gregg Verrilli (The Cunningham House)  
100 Dutch Hill Road (Suite 390)  
Orangeburg, New York 10962

ZBA #16-96  
Date: November 2, 2016  
Permit # 42237

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA# 16-96: Application of The Cunningham House for a variance from Zoning Code (Chapter 43) of the Town of Orangetown Code, CS District, Section 6.36 (Pavement required: Gravel proposed) and Section 3.11 Column 6 #2 (12 off-street parking spaces required, 7 provided) for a site plan at an existing commercial building. The premises are located at 118 Main Street, Tappan, New York and are identified on the Orangetown Tax Map as Section 77.11, Block 3, Lot 2; CS zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, November 2, 2016 at which time the Board made the determination hereinafter set forth.

Greg Verrilli, Attorney and Steve Janson, Owner, appeared and testified.

The following documents were presented:

1. Survey for Janson dated March 5, 2016 with the latest revision date of 9/17/2016 signed and sealed by Anthony R. Celentano, P. L.S..
2. Project Narrative with Exhibit A (Current Deed); Exhibit B (Pictures of Parking Lot). Exhibit C (Historic Board Approval of Parking lot), Exhibit D (Prior Deeds), Exhibit E (Pictures of Fence, ), Exhibit F (Yaboo Invoice & Website Information)
3. An memorandum dated December 9,2015 from John Giardiello, P.E., Director, Office of Building, Zoning and Planning Administration and Enforcement, Town of Orangetown.
4. A letter dated October 27, 2016 from the County of Rockland Department of Planning signed by Douglas J. Schuetz, Acting Commissioner of Planning.
5. A letter dated November 2, 2016 from the Rockland County Highway Department signed by Sonny Lin, P.E..
6. A letter dated September 28, 2016 from the Rockland County Division of Environmental Health signed by Scott McKane, P.E., Senior Public Health Engineer.
7. A letter dated October 31, 2016 from the Rockland County Sewer District No.1, signed by Joseph La Fiandra, Engineer II.

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

On advice of Dennis Michaels, Deputy Town Attorney, counsel to the Zoning Board Appeals, Ms. Castelli 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 Regulations § 617.6 (b)(3) and since the Planning conducted SEQRA reviews and, on July 27, 2016 rendered environmental determinations of no significant adverse environmental impacts to result from the proposed land use actions (i.e. a "Negative Declarations" of "Neg Dec."), the ZBA is bound by the Planning Board's Neg Dec and the ZBA cannot require further SEQRA review pursuant to SEQRA Regulations § 617.6 (b)(3). The motion was seconded by Ms. Salomon and carried as follows: Mr. Quinn, aye; Mr. Feroldi, aye; Ms. Castelli, aye; Mr. Bosco, aye; and Ms. Salomon, aye. Mr. Sullivan was absent.

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Greg Verrilli, Attorney, testified that as indicated on the plan, they are requesting a gravel parking lot with seven parking spaces instead of the required twelve spaces; that they want gravel because it is more environmentally friendly and fits better with the historic building than pavement and they would like to have an increased grass area for better aesthetics; that they have agreed to install a handicap parking space and they do not have handicap access to the building and it is not required because they are not proposing any work on the building; and that they will comply with all of the conditions imposed by the Rockland County Planning Department.

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 § 6.36 gravel parking lot and § 3.11, Column 6 #2 Number of off-street parking space variances will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. Similar gravel parking lots exist in the immediate area.
2. The handicap parking space shall comply with the New York State Building Code requirements, such as signage, etc..
3. The requested § 6.36 gravel parking lot and § 3.11, Column 6 #2 Number of off-street parking space variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. Similar gravel parking lots exist in the immediate area.
4. The benefits sought by the applicant cannot be achieved by other means feasible for the applicant to pursue other than by obtaining variances.
5. The requested § 6.36 gravel parking lot and § 3.11, Column 6 #2 Number of off-street parking space 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 gravel parking lots exist in the immediate area.
6. The applicant purchased the property subject to Orangetown's Zoning Code (Chapter 43) and is proposing a new addition and/or improvements, so the alleged difficulty was self-created, which consideration was relevant to the deliberation 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 § 6.36 gravel parking lot and § 3.11, Column 6 #2 Number of off-street parking space variances are APPROVED with the Specific Condition that the handicap parking space shall comply with the New York State Building Code requirements such as signage, etc.; 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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TOWN OF ORANGETOWN

The foregoing resolution to approve the application for the requested § 6.36 gravel parking lot and § 3.11, Column 6 #2 Number of off-street parking space variances with the Specific Condition that the handicap parking space shall comply with the New York State Building Code requirements, such as signage, etc.; was presented and moved by Ms. Salomon, seconded by Mr. Quinn and carried as follows: Mr. Bosco, aye; Mr. Feroldi, aye; Mr. Quinn, aye ;Ms. Castelli, aye; and Ms. Salomon, aye. Mr. Sullivan was absent.

The Administrative Aide to the Board is hereby authorized, directed and empowered to sign this decision and file a certified copy thereof in the office of the Town Clerk.

DATED: November 2, 2016

ZONING BOARD OF APPEALS  
TOWN OF ORANGETOWN

By   
Deborah Arbolino  
Administrative Aide

DISTRIBUTION:

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

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

TOWN OF ORANGETOWN  
2016 NOV 21 AM 11 18  
TOWN CLERKS OFFICE

DECISION

**LOT FRONTAGE AND REAR YARD VARIANCES APPROVED**

To: Donald Brenner (Reiss)  
4 Independence Avenue  
Tappan, New York 10983

ZBA #16-97  
Date: November 2, 2016  
Permit # 45496

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#16-97: Application of Daniel Reiss for variances from Zoning Code (Chapter 43) of the Town of Orangetown Code, R-40 District, Group E, Columns 7 (Lot Frontage: 100' required, 91.66' existing), and 11 (Rear Yard: 50' required, 30' proposed) for the addition of a pool house/cabana at an existing single-family residence. The premises are located at 5 Redbud Lane, Blauvelt, New York and are identified on the Orangetown Tax Map as Section 70.06, Block 1, Lot 20; in the R-40 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, November 2, 2016 at which time the Board made the determination hereinafter set forth.

Daniel Reiss, Erica Reiss, Justin and Jake Reiss and Donald Brenner, Attorney, appeared and testified.

The following documents were presented:

1. Survey for Section 70.06, Block 1, Lot 20 #5 Redbud Lane, Blauvelt, NY dated August 26, 2016 signed and sealed by James E. Drumm, L.S., with a bulk table attached.
2. A letter dated October 25, 2016 from the County of Rockland Department of Planning signed by Douglas J. Schuetz, Acting Commissioner of Planning.
3. A letter dated September 27, 2016 from the County of Rockland Division of Environmental Health signed by Scott McKane, P.E., Senior Public Health Engineer.
4. A letter dated October 31, 2016 from the Rockland County Sewer District No.1 signed by Joseph La Fiandra, Engineer II.
5. A letter dated November 2, 2016 from the Rockland County Highway Department signed by Sonny Lin, P.E..

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

On advice of Dennis Michaels, Deputy Town Attorney, counsel to the Zoning Board of Appeals, Ms. Castelli moved for a Board determination that the foregoing application is a Type II action exempt from the State Environmental Quality Review Act (SEQRA), pursuant to SEQRA Regulations §617.5 (c) (9), (10), (12) and/or (13); which does not require SEQRA environmental review. The motion was seconded by Ms. Salomon and carried as follows: Ms. Castelli, aye; Ms. Salomon, aye; Mr. Bosco, aye; Mr. Quinn, aye; and Mr. Feroldi, aye. Mr. Sullivan was absent.

Donald Brenner, Attorney, testified that this subdivision was approved many years ago; that the family would like to have some storage out by the pool and a place to shower; that the proposed cabana is 22' x 28' one story structure; that it is about 100 feet away from the house on lot 7 and about 150 feet from the house on lot 8; that they have a densely screened property line; that they recently planted approximately 40 fifteen feet high arborvitae on the property line that borders lot 9; that the pool is under construction and needed no variances; that the shape of the property is similar to a trapezoid; and the yard widens where they are proposing to construct the cabana.

TOWN OF ORANGETOWN  
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TOWN CLERKS 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.

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 lot frontage and rear yard variances will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The lot frontage variance is an existing condition and the rear yard for the cabana is extremely well screened on a very odd shaped property.
2. The requested lot frontage and rear yard variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The lot frontage variance is an existing condition and the rear yard for the cabana is extremely well screened on a very odd shaped property.
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 lot frontage and rear yard variances, although somewhat substantial, afford benefits to the applicants that are not outweighed by the detriment, if any, to the health, safety and welfare of the surrounding neighborhood or nearby community. The lot frontage variance is an existing condition and the rear yard for the cabana is extremely well screened on a very odd shaped property.
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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TOWN CLERKS OFFICE

DECISION: In view of the foregoing and the testimony and documents presented, the Board: RESOLVED, that the application for the requested lot frontage 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 lot frontage and rear yard variances was presented and moved by Mr. Quinn, seconded by Mr. Bosco and carried as follows: Mr. Bosco, aye; Mr. Feroldi, aye; Mr. Quinn, aye ;Ms. Castelli, aye; and Ms. Salomon, aye. Mr. Sullivan was absent.

The Administrative Aide to the Board is hereby authorized, directed and empowered to sign this decision and file a certified copy thereof in the office of the Town Clerk.

DATED: November 2, 2016

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 CLERKS OFFICE  
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TOWN OF ORANGETOWN

DECISION

**§3.11, CS DISTRICT, COLUMN 6, #5 OFF-STREET PARKING VARIANCE APPROVED**

To: Donald Brenner (Gentle Giant Brewing)  
4 Independence Avenue  
Tappan, New York 10983

ZBA #16-98  
Date: November 2, 2016  
Permit # 45418

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#16-98: Application of Gentle Giant Brewing for a variance from Zoning Code (Chapter 43) of the Town of Orangetown Code, CS District, Group E, Section 3.11 Column 6 #5 (Off-Street Parking required: 31 spaces; 0 spaces existing and proposed) for a change of use from retail business to restaurant space. The premises are located at 7 North Main Street, Pearl River, New York and are identified on the Orangetown Tax Map as Section 68.16, Block 1, Lot 16; in the CS zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, November 2, 2016 at which time the Board made the determination hereinafter set forth.

Donald Brenner, Attorney, and Matt Worgul appeared and testified.

The following documents were presented:

1. Survey for Peach Property LLC dated January 11, 2013 by Robert Rahnefeld, P. L.S..
2. Architectural plans dated May 18, 2016 with the latest revision date of September 26, 2016 signed and sealed by Kier. Levesque. Registered Architect.
3. A letter dated October 31, 2016 from the Rockland County Department of Planning signed by Douglas J. Schuetz, Acting Commissioner of Planning.
4. A letter dated October 3, 2016 from the Rockland County Division of Environmental Health signed by Scott McKane, P.E., Senior Public Health Engineer.
5. A letter dated November 2, 2016 from the Rockland County Highway Department signed by Sonny Lin, P.E..

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

On advice of Dennis Michaels, Deputy Town Attorney, counsel to the Zoning Board of Appeals, Ms. Castelli moved for a Board determination that the foregoing application seeks area or bulk variances for construction or expansion of primary, or accessory appurtenant, non-residential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls; this application is exempt from the State Environmental Quality Review Act (SEQRA), pursuant to SEQRA Regulations §617.5 (c) (7); which does not require SEQRA environmental review. The motion was seconded by Ms. Salomon and carried as follows: Ms. Castelli, aye; Ms. Salomon, aye; Mr. Bosco, aye; Mr. Quinn, aye; and Mr. Feroldi, aye. Mr. Sullivan was absent.

Donald Brenner, Attorney, testified that the applicant has appeared before the Planning Board and on September 14, 2016 they received a preliminary approval and a neg dec; that the Planning Board has overridden #3 of their letter and they would like to be consistent; that there is a parking lot located within 1,000 feet of the existing building; that the finished part of the building is 1,220 sq. ft. and it seats 81 patrons.

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Matt Worgul testified that the majority of the business will take place after five o'clock when many other businesses's in town close and that some of the patrons will be coming by train and bus; and the hours of operation would be 11 A.M. to 12 A.M..

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 §3.11, Column 6 #5 Off-Street Parking variances will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. Many businesses in the area do not provide parking; however there is a public parking lot within 1,000 feet of the establishment.
2. The Zoning Board of Appeals has overridden modification #3 of the letter from Rockland County Planning dated October 31, 2016 signed by Douglas J. Schuetz, Acting Commissioner of Planning.
3. The requested §3.11, Column 6 #5 Off-Street Parking variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.
4. The benefits sought by the applicant cannot be achieved by other means feasible for the applicant to pursue other than by obtaining the variance. Many businesses in the area do not provide parking; however there is a public parking lot within 1,000 feet of the establishment.
5. The requested §3.11, Column 6 #5 Off-Street Parking variances, although 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. Many businesses in the area do not provide off-street parking; however there is a public parking lot within 1,000 feet of the establishment.
6. The applicant purchased the property subject to Orangetown's Zoning Code (Chapter 43) and is proposing a new addition and/or improvements, so the alleged difficulty was self-created, which consideration was relevant to the decision of the Board of Appeals, but did not, by itself, preclude the granting of the area variances.

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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 §3.11, Column 6 #5 Off-Street Parking variance is APPROVED; and to override Modification # 3 of the Rockland County Department of Planning letter dated October 31, 2016; 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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Gentle Giant Brewing  
ZBA#16-98  
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Permit #45418

The foregoing resolution to approve the application for the requested §3.11, Column 6 #5 Off-Street Parking variance and to override Modification # 3 of the Rockland County Department of Planning letter dated October 31, 2016 was presented and moved by Mr. Bosco, seconded by Ms. Castelli and carried as follows: Mr. Bosco, aye; Mr. Feroldi, aye; Mr. Quinn, aye ;Ms. Castelli, aye; and Ms. Salomon, aye. Mr. Sullivan was absent.

The Administrative Aide to the Board is hereby authorized, directed and empowered to sign this decision and file a certified copy thereof in the office of the Town Clerk.

DATED: November 2, 2016

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  
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TOWN CLERKS OFFICE

DECISION

**CONFORMANCE TO PERFORMANCE STANDARDS APPROVED**

To: Donn McMullen  
401 North Middletown Road  
Pearl River, New York 10965

ZBA #16-99  
Date: November 2, 2016  
Permit # not assigned

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#16-99:Application of Pfizer Building 222 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: review of an emergency generator. The premises are located at 401 North Middletown Road, Pearl River, New York and are identified on the Orangetown Tax Map as Section 68.08, Block 1, Lot 5; in the LI zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, November 2 , 2016 at which time the Board made the determination hereinafter set forth.

Donn McMullen, Christopher Daly, P.E., and Axay Patel, P.E., appeared and testified.

The following documents were presented:

1. Site plans: Building 222 Stand-By Generator System Civil Vicinity Map; Civil Plan and Profile; Civil Details.
2. Building 222 Stand-By Generator System: Proposed Floor Plan Notes and Details; Door Schedule, Partition Type, Details and notes; Electrical Symbols Abbrev., And Notes; Electrical Site Plan; Electrical Recommended Work Sequence Schedule; Electrical Controls Modification Schedule; Electrical Existing Line Diagram; Electrical Line & Riser Diagram; Electrical Power and Communication Riser Diagrams; 1<sup>st</sup> floor existing condition electrical room plan; Existing 1<sup>st</sup> floor electrical room power plan; Existing 1<sup>st</sup> floor electrical room control wiring plan; Existing 1<sup>st</sup> floor mechanical plan.
3. Diesel Generator Set QSK60 series engine (16 pages).
4. Local Safety Information (2 pages).
5. Use Subject to Performance Standards Resume of Operations and Equipment dated September 31, 2016 .
6. Fire Prevention Supplement.
7. A letter dated October 31, 2016 from Joseph J. Moran, P.E., Department of Environmental Management and Engineering, Town of Orangetown.
8. A memorandum dated November 2, 2016 from the Town of Orangetown Bureau of Fire Prevention from Michael B. Bettmann, Chief Fire Inspector.
9. A letter dated October 21, 2016 from the County of Rockland Department of Planning signed by Douglas J. Schuetz, Acting Commissioner of Planning.

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10. A letter dated September 29, 2016 from the Rockland County Health Department signed by Scott McKane, P.E., Senior Public Health Engineer.
11. A letter dated November 2, 2016 from Rockland County Highway Department signed by Sonny Lin, P.E..

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, Ms. Castelli 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. Salomon and carried as follows: Ms. Castelli, aye; Mr. Quinn, aye; Mr. Feroldi, aye; Mr. Bosco, aye; and Ms. Salomon, aye. Mr. Sullivan was absent.

Donn McMullin testified that in 2015 Pfizer subdivide the property, maintaining 23 acres and selling the adjoining 225 acres to IRG; that the IRG property contains the existing emergency generator for building 222; that they have been paying IRG for the generator support for building 222 and the bio building; that they have made a corporate decision to install their own emergency generator instead of paying IRG for the use of the one on their property; that the tanks are contained within the generator enclosure; and that they exercise the tank once a week during the day for twenty minutes and will do the same with the new one.

The Board reviewed the Performance Standards and Fire Supplement forms.

Public Comment:

No public comment.

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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 Mr. Bosco 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 31, 2016 from Joseph J. Moran, P.E., Commissioner of the Orangetown Department of Environmental Management and Engineering (D.E.M.E.); the report dated November 2, 2016 from Michael B. Bettmann, Chief Fire Inspector, Town of Orangetown Bureau of Fire Prevention (B.F.P.); the report dated November 2, 2016 from Sonny Lin, P.E., Rockland County Highway Department; the report dated September 29, 2016 signed by Scott McKane, P.E., Senior Public Health Engineer, Rockland County Health Department; and the report dated October 21, 2016 signed by Douglas J. Schuetz, Acting Commissioner of Planning, Rockland County Department of Planning; 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., and 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 31, 2016 from Joseph J. Moran, P.E., Commissioner of the Orangetown Department of Environmental Management and Engineering (D.E.M.E.); (2) the report dated November 2, 2016 from Michael B. Bettmann, Chief Fire Inspector, Town of Orangetown Bureau of Fire Prevention (B.F.P.); (3) the report dated November 2, 2016 from Sonny Lin, P.E., Rockland County Highway Department; (4) the report dated September 29, 2016 signed by Scott McKane, P.E., Senior Public Health Engineer, Rockland County Health Department; and (5) the report dated October 21, 2016 signed by Douglas J. Schuetz, Acting Commissioner of Planning, Rockland County Department of Planning; 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.

TOWN CLERKS OFFICE  
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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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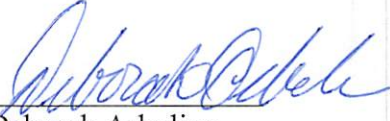
TOWN OF ORANGETOWN

The foregoing Resolution, to approve the application for the requested conformance to Performance Standards with the following conditions: (1) the report dated October 31, 2016 from Joseph J. Moran, P.E., Commissioner of the Orangetown Department of Environmental Management and Engineering (D.E.M.E.); (2) the report dated November 2, 2016 from Michael B. Bettmann, Chief Fire Inspector, Town of Orangetown Bureau of Fire Prevention (B.F.P.); (3) the report dated November 2, 2016 from Sonny Lin, P.E., Rockland County Highway Department; (4) the report dated September 29, 2016 signed by Scott Mc Kane, P.E., Senior Public Health Engineer, Rockland County Health Department; and (5) the report dated October 21, 2016 signed by Douglas J. Schuetz, Acting Commissioner of Planning, Rockland County Department of Planning; shall be complied with; was presented and moved by Ms. Castelli, seconded by Mr. Feroldi and carried as follows: Mr. Feroldi, aye; Mr. Salomon, aye; Mr. Quinn, aye ; Mr. Bosco, aye; and Ms. Castelli, aye. Mr. Sullivan was absent.

The Administrative Aide to the Board is hereby authorized, directed and empowered to sign this decision and file a certified copy thereof in the office of the Town Clerk.

DATED: November 2 , 2016

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-Not assigned

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

TOWN CLERKS OFFICE  
2016 NOV 21 AM 11 19  
TOWN OF ORANGETOWN

DECISION

**CONFORMANCE TO PERFORMANCE STANDARDS APPROVED**

To: Donald Brenner (Ramm Beauty Inc.)  
4 Independence Avenue  
Tappan, New York 10983

ZBA #16-100  
Date: November 2, 2016  
Permit # 45572

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#16-100: Application of Ramm Beauty Inc. 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: review of research and production of cosmetics. The premises are located at 30 Corporate Drive, Orangeburg, New York and are identified on the Orangetown Tax Map as Section 73.19, Block 1, Lot 2; in the LIO zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, , 2016 at which time the Board made the determination hereinafter set forth.

Donald Brenner, Attorney, Bruce Meyer, Chief Operating Officer and Ira Adler, Vice President, appeared and testified.

The following documents were presented:

1. Architectural plans labeled "Interior Alteration for Fisk Industries Inc. 30 Corporate Drive, Orangeburg, NY" dated 08/12/2016 last revised 08/12/2016 signed and sealed by Thomas J. Mesuk, Architect. (7 pages)
2. Use Subject to Performance Standards Resume of Operations and Equipment dated August 30, 2016 .
3. Appendix A : Pictures of Health and Beauty products including but not limited to facial cleansers and body lotion. ( 25 pages)
4. Appendix B: Equipment Inventory. ( 13 pages)
5. Appendix C: List of chemicals, acids or corrosive agents, quantity of each ( 7 pages).
6. Fire Prevention Supplement.
7. A letter dated November 2, 2016 from Joseph J. Moran, P.E., Department of Environmental Management and Engineering, Town of Orangetown.
8. A memorandum dated October 31, 2016 from the Town of Orangetown Bureau of Fire Prevention from Michael B. Bettmann, Chief Fire Inspector.
9. A memorandum dated October 5, 2016 from the County of Rockland Department of Planning from Arlene Miller, Principal Planner stating that the item is not in the County's jurisdiction.

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

On advice of Dennis Michaels, Deputy Town Attorney, counsel to the Zoning Board of Appeals, Ms. Castelli moved for a Board determination, 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. Salomon and carried as follows: Ms. Castelli, aye; Mr. Quinn, aye; Mr. Feroldi, aye; Mr. Bosco, aye; and Ms. Salomon, aye. Mr. Sullivan was absent.

Donald Brenner testified that the building has been vacant for two years; that it was formerly a nail polish factory; that it is located at the corner of Ramland Road and Blaisdale Road; that Ramm will be packaging perfume type commodities; and that they already have approval for a discharge permit from the sewer department.

Bruce Meyer, Chief Operating Officer, testified that the old plant was located in Patterson, New Jersey; that they employ 40 people; and that they purchased the property last year.

The Board reviewed the Performance Standards and Fire Supplement forms.

Public Comment:

No public comment.

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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 Mr. Quinn 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 November 2, 2016 from Joseph J. Moran, P.E., Commissioner of the Orangetown Department of Environmental Management and Engineering (D.E.M.E.); the report dated October 31, 2016 from Michael B. Bettmann, Chief Fire Inspector, Town of Orangetown Bureau of Fire Prevention (B.F.P.); and the report dated October 5, 2016 from Arlene Miller, Rockland County Department of Planning; 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., and 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 November 2, 2016 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 31, 2016 from Michael B. Bettmann, Chief Fire Inspector, Town of Orangetown Bureau of Fire Prevention (B.F.P.); and the report dated October 5, 2016 by Arlene Miller, Rockland County Department of Planning; 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.

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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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TOWN OF ORANGETOWN

The foregoing Resolution, to approve the application for the requested conformance to Performance Standards with the following conditions: (1) the report dated November 2, 2016 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 31, 2016 from Michael B. Bettmann, Chief Fire Inspector, Town of Orangetown Bureau of Fire Prevention (B.F.P.); and (5) the report dated October 5, 2016, from Arlene Miller, Rockland County Department of Planning; shall be complied with; was presented and moved by Ms. Castelli, seconded by Ms. Salomon and carried as follows: Mr. Feroldi, aye; Mr. Salomon, aye; Mr. Quinn, aye; Mr. Sullivan, aye; and Ms. Castelli, aye. Mr. Bosco was absent.

The Administrative Aide to the Board is hereby authorized, directed and empowered to sign this decision and file a certified copy thereof in the office of the Town Clerk.

DATED: November 2, 2016

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-M.M.

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

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2016 NOV 21 AM 11 19  
TOWN OF ORANGETOWN