

MINUTES
ZONING BOARD OF APPEALS
February 7, 2018

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

ABSENT: NONE

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

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:

MARTIN 285 South Middletown Road Pearl River, NY 72.08 / 3 / 64; R-15 zone	SIDE YARD VARIANCE APPROVED	ZBA#18-09
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CHROMALLOY PERFORMANCE STANDARDS 330 Blaisdell Road Orangeburg, NY 73.20 / 1 / 1; LIO zone	PERFORMANCE STANDARDS APPROVED	ZBA#18-10
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CONTINUED ITEM:

ADVANCED MANOLTA 615 Route 303 Blauvelt, NY 65.18 / 1 / 9; LO zone	CONTINUED	ZBA#18-04
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TOWN OF ORANGETOWN
2018 FEB 12 P 12: 53
TOWN CLERK'S OFFICE

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: The Cunningham House Site Plan Amendment to Final Site Plan approval, 118 Main Street, Tappan, NY; 77.11 / 3 / 2; CS zone; St. John's Malankara Orthodox Church Foot Bridge Plan, 331 Blaisdell Road, Orangeburg, NY; 73.20 / 1 / 31; LIO zone; Lee Construction Site Plan (Lot #2 Kopunek Subdivision), 23 Sterling Avenue, Tappan NY; 77.06 / 2 / 69.2; R-15 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 8:00 P.M.

Dated: February 7, 2018

ZONING BOARD OF APPEALS
TOWN OF ORANGETOWN

By *Deborah Arbolino*

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
2018 FEB 12 P 12:54
TOWN OF ORANGETOWN

DECISION

SIDE YARD VARIANCE APPROVED

To: Edward and Cara Martin
285 South Middletown Road
Pearl River, New York 10965

ZBA #18-09
Date: February 7, 2018
Permit # 46986

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#18-09: Application of Edward and Cara Martin for a variance from Zoning Code (Chapter 43) of the Town of Orangetown Code, R-15 District, Group M, Section 3.12, Column 9 (Section 5.21 Undersized Lot applies): (Side Yard: 10' required, 14.67' existing, and 9.83' proposed) for new side entry stairs at an existing single-family residence. The premises are located at 285 South Middletown Road, Pearl River, New York and are identified on the Orangetown Tax Map as Section 72.08, Block 3, Lot 64; in the R-15 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, February 7, 2018 at which time the Board made the determination hereinafter set forth.

Edward and Cara Martin and Karl Ackermann, Architect, appeared and testified.

The following documents were presented:

1. Architectural plans labeled "Proposed Addition/ Alteration for Martin Residence" A-0 through A-5 dated 6/24/2015 with the latest revision date of 12/14/2017 signed and sealed by Karl Ackermann, Architect.
2. A memorandum dated January 12, 2018 from Jane Slavin, RA., Director, Office of Building, Zoning, Planning, Administration and Enforcement, Town of Orangetown.

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

Karl Ackermann, Architect, testified that the applicants were before the Board previously for a larger addition; that the project has been scaled back and they are keeping the existing side entrance into the house that was to be removed on the previous plan; that they have added a little more space to the stoop but the set back is not greater than what exists; and that he will adjust the bulk table to reflect the changes.

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.

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 change in the side yard is to keep an existing side entry into the house that was proposed to be removed on a previous plan.
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 change in the side yard is to keep an existing side entry into the house that was proposed to be removed on a previous plan.
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 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 change in the side yard is to keep an existing side entry into the house that was proposed to be removed on a previous plan.
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 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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The foregoing resolution to approve the application for the requested side yard variance is APPROVED with the Specific Condition that the bulk table be corrected by the applicant; was presented and moved by Mr. Quinn, seconded by Mr. Bosco and carried as follows: Mr. Quinn, aye; Mr. Sullivan, aye; Ms. Salomon, aye; Mr. Bosco, aye; and Ms. Castelli, aye.

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: February 7, 2018

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

TOWN CLERK'S OFFICE
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TOWN OF ORANGETOWN

DECISION

PERFORMAMNCE STANDARDS CONFORMANCE APPROVED

To: Ronald Panucucci (Chromalloy)
445 Godwin Avenue
Midland Park, New Jersey 07432

ZBA #18-10
Date: February 7, 2018
Permit # 47026

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#18-10: Application of Chromalloy 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 for the installation of additional laser drilling equipment within the facility. The premises are located at 330 Blaisdell Road, Orangeburg, New York and are identified on the Orangetown Tax Map as Section 73.20, Block 1, Lot 1; in the LIO zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, February 7, 2018 at which time the Board made the determination hereinafter set forth.

1. Proposed Minor Subdivision 300-330 Blaisdell Road Chromalloy dated 01/23/2017 with the latest revision date of 08/15/2017 by LAN Associates signed and sealed by Matthew M. Webb, PLS & Ronald M. Panicucci, PE.
2. Proposed Renovations for New Laser Room, Chromalloy G1.0, G1.02, A2.01, A2.02, H1.01, E2.01, E2.02 10/24/2017 LAN Associates.
3. Use Subject to Performance Standards Resume of Operations and Equipment dated December 20, 2017.
4. Fire Prevention Supplement.
5. Lasertec 130 Power Drill Laser precision drilling in XXL.
6. Lasertec 130 Power Drill Laser precision drilling in XXL.
7. Lasertec 80 Power Drill Highly dynamic 5-axis laser drilling of turbine components.
8. Lasertec 80 Power Shape: Insertion of shaped holes via laser removal.
9. Safety Data Sheet Oxygen (11 pages).
10. A letter dated January 12, 2018 from Joseph J. Moran, P.E., Department of Environmental Management and Engineering, Town of Orangetown.
11. An E-mail dated January 11, 2018 from the Town of Orangetown Bureau of Fire Prevention from Michael B. Bettmann, Chief Fire Inspector.
12. A letter dated January 12, 2018 from the Rockland County Department of Planning signed by Douglas J. Schuetz, Acting Commissioner of Planning.
13. A letter dated January 19, 2018 from 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

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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. Feroldi, aye; Ms. Salomon, aye; Ms. Castelli, aye; Mr. Quinn, aye; Mr. Bosco, aye; and Mr. Sullivan, aye.

Ronald Panicucci, PE. And William Gannon, Facilities Manager appeared.

Ronald Panicucci, P.E., testified that they are proposing to move four laser drilling machines from their Middletown location to this location; that they will be using additional rooms in the building that already has HVAC to locate the machines; that each machine is approximately 10' x 10' x 10'; that they use oxygen gas to assist in the burning process; and that the company produces turban blades for jet engines.

William Gannon, Facilities Manager, testified that they have a dozen machines on site presently and will be adding four more; that they operate 24 hours a day, seven days a week when they are very busy and other times they operate five days a week; that one operator can run more than one machine at a time; and that they employ 358 employees.

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 January 12, 2018 from Joseph J. Moran, P.E., Commissioner of the Town of Orangetown Department of Environmental Management and Engineering (D.E.M.E.); the e-mail dated January 11, 2018 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.

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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 January 12, 2018 from Joseph J. Moran, P.E., Commissioner of D.E.M.E.; (2) the e-mail dated January 11, 2018 from Michael B. Bettmann, Chief Fire Inspector, 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 January 12, 2018 from Joseph J. Moran, P.E., Commissioner D.E.M.E.; (2) the e-mail dated January 11, 2018 from Michael B. Bettmann, Chief Fire Inspector, B.F.P.; shall be complied with; was presented and moved by Mr. Sullivan, seconded by Ms. Salomon and carried as follows: Mr. Bosco, aye; Ms. Salomon, aye; Ms. Castelli, aye; Mr. Quinn, aye; and Mr. Sullivan, aye.

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: February 7, 2018

ZONING BOARD OF APPEALS
TOWN OF ORANGETOWN

By 
Deborah Arbolino
Administrative Aide

DISTRIBUTION:

APPLICANT
ZBA MEMBERS
SUPERVISOR
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TOWN CLERK
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FILE,ZBA, PB
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