

MINUTES  
ZONING BOARD OF APPEALS  
January 6, 2021

MEMBERS PRESENT: DAN SULLIVAN, CHAIRMAN  
THOMAS QUINN  
BILLY VALENTINE

ABSENT: MICHAEL BOSCO  
PATRICIA CASTELLI  
ROB BONOMOLO, JR.

ALSO PRESENT: Deborah Arbolino, Administrative Aide  
Denise Sullivan, Deputy Town Attorney  
Anne Marie Ambrose Official Stenographer

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

CONTINUED ITEM:

ENG  
17 Lombardi Road  
Pearl River, New York  
69.05 / 2 / 65; R-15 zone

FLOOR AREA RATIO,  
REAR YARD VARIANCES  
APPROVED

ZBA#20-84

NEW ITEMS:

MC ELLIGOTT  
48 Quaspec Road  
Blauvelt, New York  
69.20 / 1 / 54; R-15 zone

SECTION 9.2 SIDE YARD  
EXTENSION OF NON-CONFORMING  
BULK VARIANCE APPROVED

ZBA#21-01

GACEVIC  
51 Chestnut Oval  
Orangeburg, New York  
74.06 / 1 / 18; R-15 zone

SIDE YARD AND SECTION 5.153  
VARIANCES APPROVED

ZBA#21-02

CASSIDY  
56 Salina Road  
Pearl River, New York  
68.11 / 2 / 61; R-15 zone

20' REAR YARD EXISTING TO  
ADDITION ACKNOWLEDGED  
26' REAR YARD TO DECK APPROVED

ZBA#21-03

TOWN CLERK'S OFFICE

JAN 12 AM 9:57

TOWN OF ORANGETOWN

UPS 700 BRADLEY HILL  
PERFORMANCE STANDARDS  
700 Bradley Hill Road  
Blauvelt, New York  
65.18 / 1 / 4; LI zone

PERFORMANCE STANDARDS  
APPROVED WITH SPECIFIC  
CONDITIONS

ZBA#21-04

UPS 800 BRADLEY HILL  
PERFORMANCE STANDARDS  
800 Bradley Hill Road  
Blauvelt, New York  
65.18/ 1 / 3; LI zone

PERFORMANCE STANDARDS  
REVIEW **NOT APPLICABLE**  
FOR PARKING AND ACCESS  
APPLICANT'S USE OF THIS LOT IS LIMITED  
TO PARKING AND ACCESS

ZBA#21-05

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 8:45 P.M.

Dated: January 6, 2021

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 OF ORANGETOWN  
2021 JAN 12 A 10: 57  
TOWN CLERK'S OFFICE

DECISION

**FLOOR AREA RATIO AND REAR YARD VARIANCES APPROVED**

To: Thomas and Maria Eng  
17 Lombardi Road  
Pearl River, New York 10965

ZBA #20-84  
Date: December 2, 2020 & January 6, 2021  
Permit #50669

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#20-84: Application of Thomas and Maria Eng for variances from Zoning Code (Chapter 43) of the Town of Orangetown Code, R-15 District, Group M, Section 3.12, Columns 4 ( Floor Area Ratio: .20 permitted, .23 proposed) and 11 (Rear Yard: 35' required, 21.92' existing, 15.95' proposed) ( side yard, total side yard and rear yard variances were granted in ZBA#88-98 on November 2, 1988) for a sunroom at an existing single-family residence. The property is located at 17 Lombardi Road, Pearl River, New York and is identified on the Orangetown Tax Map as Section 69.05, Block 2, Lot 65 in the R-15 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, December 2, 2020 at which time the Board made the determination hereinafter set forth.

Thomas and Maria Eng appeared and testified.

The following documents were presented:

1. Plans labeled "Vinyl Gable Enclosure Project Notes, General Layout, Deck Framing plan, Connection details & Structural Framing" dated September 2, 2020 signed and sealed by Craig J. Joss, P.E.. (5 pages).
2. Survey dated May 12, 1993 by Robert Rahnefeld, PLS.

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

On advice of Denise Sullivan, Deputy Town Attorney, counsel to the Zoning Board of Appeals at the January 6, 2021 hearing, 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) (11), (12), (16) and/or (17); which does not require SEQRA environmental review. The motion was seconded by Mr. Quinn and carried as follows: Mr. Valentine, aye; Mr. Sullivan, aye; and Mr. Quinn, aye. Ms. Castelli, Mr. Bonomolo and Mr. Bosco were absent.

At the December 2, 2020 hearing Thomas Eng testified that the house is a split level style home and they need more space on the first floor because his wife is in a wheel chair; that they purchased the house in 1982 and they did not realize that the variance they needed was published wrong and they would request a continuance until the next meeting date to be heard on this matter.

Public Comment:

No public comment.

TOWN OF ORANGETOWN  
JAN 12 2021  
TOWN CLERK'S OFFICE

At the January 6, 2021 hearing Thomas Eng testified that the rear yard has grass and bushes and the 22' x 14' would not be seen from the road; that they returned to the Board because the publication needed to be corrected.

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 Mr. Valentine 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 floor area ratio and rear yard variances will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. Similar additions have been constructed in the neighborhood.
2. The requested floor area ratio and rear yard variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. Similar additions 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 floor area ratio and rear yard variances are not substantial, and affords benefits to the applicant that are not outweighed by the detriment, if any, to the health, safety and welfare of the surrounding neighborhood or nearby community. Similar additions 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 variance.

TOWN OF ORANGETOWN  
2021 JAN 12 A 10:58  
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 floor area ratio 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.


TOWN OF ORANGETOWN  
2021 JAN 12 4 10 PM  
TOWN CLERK'S OFFICE

The foregoing resolution to approve the application for the requested floor area ratio and rear yard variances are APPROVED; was presented and moved by Mr. Valentine, seconded by Mr. Quinn and carried as follows: Mr. Quinn, aye; Mr. Valentine, aye; and Mr. Sullivan, aye. Ms. Castelli, Mr. Bosco, and Mr. Bonomolo 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: December 2, 2020

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-Dave M.

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

TOWN CLERK'S OFFICE  
2021 JAN 12 A 10:56  
TOWN OF ORANGETOWN

DECISION

**SECTION 9.2 ENLARGEMENT OF PRE-EXISTING NON-CONFORMING SIDE YARD VARIANCE APPROVED**

To: Brigid McElligot  
13 Edgewood Circle  
Orangeburg, New York 10962

ZBA #20-01  
Date: January 6, 2021  
Permit #50804

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#21-01: Application of Brigid McElligot for variances from Zoning Code (Chapter 43) of the Town of Orangetown Code, Section 9.2 ( Enlargement of Non-Conforming Bulk) and from Section 3.12, R-15 District, Group M, Columns 9 (Side Yard: 20' required, 13.5' existing & proposed) for an addition of a bedroom over an existing garage at an existing single-family residence. The property is located at 48 Quaspec Road, Blauvelt, New York and are identified on the Orangetown Tax Map as Section 69.20, Block 1, Lot 54 in the R-15 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, January 6, 2021 at which time the Board made the determination hereinafter set forth.

Brigid McElligott, Fionn McElligott and Bridget McElligott appeared and testified.

The following documents were presented:

1. Plans labeled "Addition & Alterations Level 3 48 Quaspec Road" dated 9/24/2020 with the latest revision date of 10/27/ 2020 signed and sealed by Jenny R. Zuniga-Casal, Architect. (3 pages).
2. Survey dated July 31, 2020 by William E. James, P.L.S.

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

On advice of Denise Sullivan, 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) (11), (12), (16) and/or (17); which does not require SEQRA environmental review. The motion was seconded by Mr. Quinn and carried as follows: Mr. Valentine, aye; Mr. Sullivan, aye; and Mr. Quinn, aye. Ms. Castelli, Mr. Bosco and Mr. Bonomolo were absent.

Fionn McElligott testified that they are proposing to add a second floor over the existing attached garage; that they have a permit for the other work that they are doing on the house presently; that they were told they would need a variance for the bedroom even though they are not changing the footprint because it is extending an existing non-conforming bulk; that his wife grew up in town and he moved here in 2001; and that they have not moved into the house yet.

Public Comment:

No public comment.

TOWN OF ORANGETOWN  
2021 JAN 12 A 10:58  
TOWN CLERK'S OFFICE



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 Mr. Quinn 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 Section 9.2 extension of a non-conforming side yard variance will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. Similar additions have been constructed in the neighborhood.
2. The requested Section 9.2 extension of a non-conforming side yard variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. Similar additions 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 a variance.
4. The requested Section 9.2 extension of a non-conforming side yard variance although somewhat substantial, and affords benefits to the applicant that are not outweighed by the detriment, if any, to the health, safety and welfare of the surrounding neighborhood or nearby community. Similar additions 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 variance.

TOWN OF ORANGETOWN  
2021 JAN 12 A 10:56  
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 Section 9.2 extension of a non-conforming 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.

TOWN OF ORANGETOWN  
2021 JAN 12 A 10:56  
TOWN CLERK'S OFFICE

The foregoing resolution to approve the application for the requested Section 9.2 extension of a pre-existing non-conforming side yard variance is APPROVED; was presented and moved by Mr. Quinn, seconded by Mr. Valentine and carried as follows: Mr. Sullivan, aye; Mr. Quinn, aye; and Mr. Valentine, aye. Ms. Castelli, Mr. Bosco and Mr. Bonomolo 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: January 6, 2021

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-Dom. M.

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

TOWN OF ORANGETOWN  
2021 JAN 12 A 10:59  
TOWN CLERK'S OFFICE

DECISION  
**SIDE YARD VARIANCE AND SECTION 5.153 ACCESSORY STRUCTURE  
DISTANCE FROM PRIMARY STRUCTURE VARIANCE APPROVED**

To: Elvir Gacevic  
51 Chestnut Oval  
Orangeburg, New York 10962

ZBA #20-02  
Date: January 6, 2021  
Permit #50780

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA# 21-02: Application of Elvir Gacevic for variances from Zoning Code (Chapter 43) of the Town of Orangetown Code, Section 3.12, RG District, Group Q, Column 9 (Side Yard: 10' required, 6' 10" existing & proposed) for an existing hot tub and from Section 5.153 (No accessory structure shall be closer than 15' from the primary structure: for an existing pergola that is 8 ½ " from the house) at an existing single-family residence. The property is located at 51 Chestnut Oval, Orangeburg, New York and are identified on the Orangetown Tax Map as Section 74.06, Block 1, Lot 18 in the RG zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, January 6, 2021 at which time the Board made the determination hereinafter set forth.

Elvir and Enisa Gacevic appeared and testified.

The following documents were presented:

1. Copy of survey with the pergola and hot tub drawn on it.
2. Two pages computer drawing of the pergola.
3. Two letters in support of the application.
4. Ten color pictures of the house, pergola and hot tub.

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

On advice of Denise Sullivan, 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) (11), (12), (16) and/or (17); which does not require SEQRA environmental review. The motion was seconded by Mr. Quinn and carried as follows: Mr. Valentine, aye; Mr. Sullivan, aye; and Mr. Quinn, aye. Ms. Castelli, Mr. Bosco and Mr. Bonomolo were absent.

Elvir Gacevic testified that he found out he needed variances for the hot tub and pergola because he was trying to refinance his house and the title search showed two violations; that he brought photos for the Board to see; that the location of these structures does not interfere with anyone else's property; that they are in the rear yard; that the hot tub cannot be seen unless you are in the back yard because they have a fence at the rear of the house; that the pergola is a movable structure and is very attractive.

TOWN CLERK'S OFFICE

2021 JAN 12 A 10:56

TOWN OF ORANGETOWN

Public Comment:

James Nawoichyk, 55 Chestnut Oval testified that he has lived in this house for over 20 years and that his wife's family built the house in 1958; that he was a Orangetown Police Officer for 34 years; and he is here to speak in support of the applicants; that they have made the house beautiful since purchasing it and neither structure can be seen from the street; that these structures are well built and have been there for a while and made it through several storms without damage and he hopes they can remain where they are.

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 Mr. Quinn 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 for the hot tub and Section 5.153 accessory structure distance from primary structure variance for the pergola will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties.
2. The requested side yard variance for the hot tub and Section 5.153 accessory structure distance from primary structure variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.
3. The benefits sought by the applicant cannot be achieved by other means feasible for the applicant to pursue other than by obtaining a variance.
4. The requested side yard variance for the hot tub and Section 5.153 accessory structure distance from primary structure variance although substantial, and affords benefits to the applicant that are not outweighed by the detriment, if any, to the health, safety and welfare of the surrounding neighborhood or nearby community.
5. The applicant purchased the property subject to Orangetown's Zoning Code (Chapter 43) and is proposing a new addition and/or improvements, so the alleged difficulty was self-created, which consideration was relevant to the decision of the Board of Appeals, but did not, by itself, preclude the granting of the area variance.

TOWN CLERK'S OFFICE  
2021 JAN 12 A 10:58  
TOWN OF ORANGETOWN

**DECISION:** In view of the foregoing and the testimony and documents presented, the Board **RESOLVED** that the application for the requested side yard variance for the hot tub and Section 5.153 accessory structure distance from primary structure variance 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 OF ORANGETOWN  
2021 JUN 12 4 10 56  
TOWN CLERK'S OFFICE




The foregoing resolution to approve the application for the requested side yard variance for the hot tub and Section 5.153 accessory structure distance from primary structure variance are APPROVED and the undersized lot is acknowledged; was presented and moved by Mr. Valentine, seconded by Mr. Quinn and carried as follows: Mr. Sullivan, aye; Mr. Quinn, aye; and Mr. Valentine, aye. Ms. Castelli, Mr. Bosco and Mr. Bonomolo 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: January 6, 2021

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  
2021 JAN 12 A 10:56  
TOWN OF ORANGETOWN

DECISION

**REAR YARD VARIANCE APPROVED: 20' REAR YARD TO EXISTING ADDITION AND 26' REAR YARD TO EXISTING DECK**

To: Michael Cassidy  
56 Salina Road  
Pearl River, New York 10965

ZBA #21-03  
Date: January 6, 2021  
Permit # 48985

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#21-03: Application of Michael Cassidy for a variance from Zoning Code (Chapter 43) of the Town of Orangetown Code, R-15 District, Group M, Section 3.12, Column 11 (Rear Yard: 35' required, 26' proposed ) for an existing deck at an existing single-family residence. The property is located at 56 Salina Road, Pearl River, New York and is identified on the Orangetown Tax Map as Section 68.11, Block 2, Lot 61 in the R-15 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, January 6, 2021 at which time the Board made the determination hereinafter set forth.

Michael Cassidy appeared and testified.

The following documents were presented:

1. A survey with the deck drawn on it.
2. ZBA Decision #88-77 dated September 4, 1988.

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

On advice of Denise Sullivan, 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) (11), (12), (16) and/or (17); which does not require SEQRA environmental review. The motion was seconded by Mr. Quinn and carried as follows: Mr. Valentine, aye; Mr. Sullivan, aye; and Mr. Quinn, aye. Ms. Castelli, Mr. Bosco and Mr. Bonomolo were absent.

Michael Cassidy testified that he and his neighbors built the deck 15 years ago without a permit; that he is 85 years old and wants to legalize this so that his kids are not stuck with it; that he purchased the house in 1971 and appreciates the Board for being so thorough.

Public Comment:

No public comment.

TOWN OF ORANGETOWN  
2021 JAN 12 A 10 54  
TOWN CLERK'S OFFICE



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 rear yard variance will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. Similar sized decks have been constructed in the neighborhood.
2. The Board acknowledged that the rear yard to the existing addition is 20' (ZBA# 88-77 granted a 22' rear yard and it is actually a 20' rear yard according to the site plan submitted for this hearing) and the rear yard to the existing deck is 26'.
3. The requested rear yard variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. Similar sized decks have been constructed in the neighborhood.
4. The benefits sought by the applicant cannot be achieved by other means feasible for the applicant to pursue other than by obtaining a variance.
5. The requested rear yard variance is not substantial, and affords benefits to the applicant that are not outweighed by the detriment, if any, to the health, safety and welfare of the surrounding neighborhood or nearby community. Similar sized decks have been constructed in the neighborhood.
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 variance.

TOWN OF ORANGETOWN  
2021 JAN 12 A 10:58  
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 rear yard variance ( 20' to the existing addition & 26' to the existing deck) 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  
2021 JAN 12 A 10:51  
TOWN CLERK'S OFFICE

The foregoing resolution to approve the application for the requested rear yard variance ( 20' to the existing addition & 26' to the existing deck) is APPROVED; was presented and moved by Mr. Quinn, seconded by Mr. Valentine and carried as follows: Mr. Sullivan, aye; Mr. Quinn, aye; and Mr. Valentine, aye. Ms. Castelli, Mr. Bosco and Mr. Bonomolo 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: January 6, 2021

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-Dom.

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

TOWN OF ORANGETOWN  
2021 JAN 12 A 10:59  
TOWN CLERK'S OFFICE

DECISION

**PERFORMANCE STANDARDS CONFORMANCE APPROVED**

To: Nicole Vasquez ( 700 Bradley Hill)  
900 Route 9 North  
Woodbridge, New Jersey 07095

ZBA #21-04  
Date: January 6, 2021  
Permit #50385

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#21-04: Application of UPS 700 Bradley Hill Road 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 a distribution station which facilitates the "last mile" delivery of parcels at 700 Bradley Hill Road , Blauvelt, New York and are identified on the Orangetown Tax Map as Section 65.18, Block 1, Lot 4; in the LI zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, January 6, 2021 at which time the Board made the determination hereinafter set forth.

Seth Mandelbaum, Attorney for the applicant, Nicole Vasquez, Onyx Equities, Franz Laki, Engineer for the project and Ronald Rieman, Project Manager, appeared and testified.

The following documents were presented:

1. Plans labeled " Existing Improvements for Existing Warehouse Building 700 Bradley Hill Road " dated 07/29/2020 signed and sealed by James E. Barbieri, Architect (2 pages).
2. Plans labeled "Preliminary Not Released Spring Valley NY Spin Off UPS" dated 04/22/2020 not signed or sealed.
3. Plans labeled "Site Improvements 700 & 800 Bradley Hill Road" signed and sealed by Franz W. Laki, P.E. ( 11 pages).
4. Traffic Impact Study dated August 6, 2020 by Maser Consulting P.A. signed by John T. Collins, Ph.D. , P.E.
5. Resume of Operations (15 pages).
6. A memorandum dated November 9, 2020 from Jane Slavin, RA. Director, Orangetown Building Zoning Planning Administration and Enforcement.
7. Memorandum dated December 23, 2020 from Eamon Reilly, P.E., Commissioner, Department of Environmental Management and Engineering, Town of Orangetown.
8. Memorandum dated November 25, 2020 from Michael Weber, Industrial Treatment Coordinator, Department of Environmental Management and Engineering, Town of Orangetown.
9. Memorandum dated December 21, 2020 from Dylan Hofsiss, Junior Public Health Engineer and Zoning Enforcement Officer, Department of Environmental Management and Engineering, Town of Orangetown.
10. A memorandum dated November 25, 2020 from Bruce Peters, Engineer III, Department of Environmental Management and Engineering, Town of Orangetown.
11. A memorandum dated December 22, 2020 from Michael Bettmann, Chief Fire Safety Inspector, Town of Orangetown.

TOWN OF ORANGETOWN  
2021 JAN 12 A 10:58  
TOWN CLERK'S OFFICE

12. A memorandum dated December 3, 2020 from the Rockland County Department of Planning, from Arlene Miller Principal Planner stating that the facility is outside their jurisdiction.
13. A no objection letter dated December 30, 2020 from Joseph LaFiandra, Rockland County Sewer District No. 1.

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

On advice of Denise Sullivan, 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, this application is exempt from environmental review under the State Environmental Quality Review Act (SEQRA), pursuant to SEQRA Regulations §617.5 (c) (34); which does not require SEQRA environmental review. The motion was seconded by Mr. Quinn and carried as follows: Mr. Valentine, aye; Mr. Quinn, aye; and Mr. Sullivan, aye. Mr. Bonomolo, Ms. Castelli, and Mr. Bosco were absent.

Seth Mandelbaum, Attorney for the applicant, testified that the Onyx Equities is the owner of the property, which is named Hudson Crossing; that this project and 800 Bradley Hill Road have been before the Planning Board for site plan approval and in November they received a Neg Dec for SEQRA and a Preliminary Approval and were referred to ACABOR and this Board for Performance Standards; that they already received approval from ACABOR for the façade and landscaping; that they worked hard on the plans so that they would not require any variances for parking or signs; and that they have no problem answering and meeting the requests from the DEME and the Fire Inspector.

Nicole Vasquez testified that the property is surrounded by other warehouse buildings; that the closest residential property is more than 433 feet away from this lot; that UPS will occupy 700 Bradley Hill Road and utilize a portion of 800 Bradley Hill Road for a parking and access easement; that 800 Bradley Hill is occupied by Oak Beverages and they are remaining in the building; UPS will operate 24 hours a day and seven days a week; that they will use this facility for local delivery within 5 to 10 miles of the facility; that the operation will create approximately 240 full and part time jobs; that two tractor trailer trucks will arrive approximately at 4 a.m. and unload to conveyor belts that will reload merchandise to the brown vans that will deliver from approximately 8 a.m. to 8 p.m. and items that were picked up will be loaded into the tractor trailers and leave the site by approximately 9 p.m.; that they are re-using the existing eight loading docks and making them slightly larger to accommodate the trucks of today; that on the northern elevation they are closing up two of the loading docks and adding a painted parking area; that there will be 60 UPS trucks inside the building and there will not be any access to Western Highway; and there are no propane operated fork lifts.

The Board reviewed the Performance Standards and Fire Supplement forms.

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.

TOWN OF ORANGETOWN  
2021 JAN 12 A 10:56  
TOWN CLERK'S OFFICE



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 Mr. Valentine 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 reports dated November 25, 2020 from Michael Weber, Chief Operator and Bruce Peters, Engineer III, memo dated November 25, 2020, Town of Orangetown Department of Environmental Management and Engineering (D.E.M.E.); memo dated December 21, 2020, from Dylan Hofsis, Junior Public Health Engineer and Zoning Enforcement Officer, Town of Orangetown Department of Environmental Management and Engineering (D.E.M.E.); the Memorandum dated December 23, 2020 from Eamon Reilly, PE, Commissioner, Town of Orangetown Department of Environmental Management and Engineering (D.E.M.E.); the report dated December 22, 2020 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** that the Applicant: (1) Submit a revised Resume of Operations that complies with the discussion of hours of operation and number of employees and complies with the comments contained in: (2) memo dated November 25, 2020 from Michael Weber, Chief Operator and Bruce Peters, Engineer III, memo dated November 25, 2020, Town of Orangetown Department of Environmental Management and Engineering (D.E.M.E.); (3) memo dated December 21, 2020, from Dylan Hofsis, Junior Public Health Engineer and Zoning Enforcement Officer, Town of Orangetown Department of Environmental Management and Engineering (D.E.M.E.); (4) the Memorandum dated December 23, 2020, from Eamon Reilly, PE, Commissioner, Town of Orangetown Department of Environmental Management and Engineering (D.E.M.E.); (5) the report dated December 22, 2020 from Michael B. Bettmann, Chief Fire Inspector, Town of Orangetown Bureau of Fire Prevention (B.F.P); **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 CLERK'S OFFICE  
JAN 12 10:58 AM  
TOWN OF ORANGETOWN

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.

TOWN OF ORANGETOWN  
2021 JAN 12 A 10:58  
TOWN CLERK'S OFFICE




The foregoing Resolution, to approve the application for the requested conformance to Performance Standards with the following conditions that the applicant submit a revised Resume of Operations that complies with the discussion of the hours of operation and number of employees and complies with the comments contained in: ( 1) memo dated November 25, 2020 from Michael Weber, Chief Operator and Bruce Peters, Engineer III, memo dated November 25 ,2020 Town of Orangetown Department of Environmental Management and Engineering (D.E.M.E.); (3) memo dated December 21, 2020, from Dylan Hofsiss, Junior Public Health Engineer and Zoning Enforcement Officer, Town of Orangetown Department of Environmental Management and Engineering (D.E.M.E.); (4) the Memorandum dated December 23, 2020, from Eamon Reilly, PE, Commissioner, Town of Orangetown Department of Environmental Management and Engineering (D.E.M.E.); (5) the report dated December 22, 2020 from Michael B. Bettmann, Chief Fire Inspector, Town of Orangetown Bureau of Fire Prevention (B.F.P); was presented and moved by Mr. Sullivan, seconded by Mr. Quinn and carried as follows: Mr. Valentine, aye; Mr. Quinn, aye; and Mr. Sullivan, aye. Mr. Bonomolo, Mr. Bosco and Ms. Castelli 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: January 6, 2021

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- Dave M.

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

TOWN CLERK'S OFFICE  
2021 JAN 12 A 10:55  
TOWN OF ORANGETOWN

DECISION

**PERFORMANCE STANDARDS CONFORMANCE NOT REQUIRED**

To: Nicole Vasquez ( 800 Bradley Hill)  
900 Route 9 North  
Woodbridge, New Jersey 07095

ZBA #21-05  
Date: January 6, 2021  
Permit #50386

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#21-05: Application of UPS 800 Bradley Hill Road 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 a distribution station which facilitates the "last mile" delivery of parcels at 800 Bradley Hill Road, Blauvelt, New York and are identified on the Orangetown Tax Map as Section 65.18, Block 1, Lot 3; in the LI zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, January 6, 2021 at which time the Board made the determination hereinafter set forth.

Seth Mandelbaum, Attorney for the applicant, Nicole Basquez, Onyx Equities, Franz Laki, Engineer for the project and Ronald Rieman, Project Manager, appeared and testified.

The following documents were presented:

1. Plans labeled "Site Improvements 700 & 800 Bradley Hill Road" signed and sealed by Franz W. Laki, P.E. ( 11 pages).
2. Traffic Impact Study dated August 6, 2020 by Maser Consulting P.A. signed by John T. Collins, Ph.D. , P.E.
3. Resume of Operations (15 pages).
4. A memorandum dated November 17, 2020 in support of the application for Performance Standards Approval submitted by McCullough, Goldberger & Staudt, LLP. ( 5 pages).
5. A memorandum dated November 9, 2020 from Jane Slavin, RA. Director, Orangetown Building Zoning Planning Administration and Enforcement.
6. Memorandum dated December 23, 2020 from Eamon Reilly, P.E., Commissioner, Department of Environmental Management and Engineering, Town of Orangetown.
7. Memorandum dated November 25, 2020 from Michael Weber, Industrial Treatment Coordinator, Department of Environmental Management and Engineering, Town of Orangetown.
8. Memorandum dated December 21, 2020 from Dylan Hofstiss, Junior Public Health Engineer and Zoning Enforcement Officer, Department of Environmental Management and Engineering, Town of Orangetown.
9. A memorandum dated November 25, 2020 from Bruce Peters, Engineer III, Department of Environmental Management and Engineering, Town of Orangetown.
10. A memorandum dated December 22, 2020 from Michael Bettmann, Chief Fire Safety Inspector, Town of Orangetown.

TOWN OF ORANGETOWN  
2021 JAN 12 A 10:55  
TOWN CLERK'S OFFICE



11. A memorandum dated December 3, 2020 from the Rockland County Department of Planning, from Arlene Miller Principal Planner stating that the facility is outside their jurisdiction.
12. A no objection letter dated December 30, 2020 from Joseph LaFiandra, Rockland County Sewer District No. 1.

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

On advice of Denise Sullivan, 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, this application is exempt from environmental review under the State Environmental Quality Review Act (SEQRA), pursuant to SEQRA Regulations §617.5 (c) (34); which does not require SEQRA environmental review. The motion was seconded by Mr. Quinn and carried as follows: Mr. Valentine, aye; Mr. Quinn, aye; and Mr. Sullivan, aye. Mr. Bonomolo, Ms. Castelli, and Mr. Bosco were absent.

Seth Mandelbaum, Attorney for the applicant, testified that the Onyx Equities is the owner of the property, which is named Hudson Crossing; that this project and 700 Bradley Hill have been before the Planning Board for site plan approval and in November they received a Neg Dec for SEQRA and a Preliminary Approval and were referred to ACABOR and this Board for Performance Standards; that they already received approval from ACABOR for the façade and landscaping; that the building at 800 Bradley Hill Road will continue to be occupied and used by Oak Beverage only; that they are using a portion of the 800 Bradley Hill Road site for an access easement and parking according to Section 6.33 of the Orangetown Code; that the attorney for the Planning Board has reviewed the restrictive covenant and easement and has approved them; and that they do not want to be held up by not getting approval.

Nicole Vasquez testified that the property is surrounded by other warehouse buildings; that the closest residential property is more than 433 feet away from this lot; that UPS will occupy 700 Bradley Hill Road and utilize a portion of 800 Bradley Hill Road for a parking and access easement; and that the 800 Bradley Hill Road site is occupied by Oak Beverages and they are remaining as a tenant in the building.

The Board reviewed the Performance Standards and Fire Supplement forms.

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 Mr. Valentine and carried unanimously.

TOWN CLERK'S OFFICE  
2021 JAN 12 A 10:55  
TOWN OF ORANGETOWN

**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 applicant is **not utilizing** the 800 Bradley Hill Road site for any of the operations or equipment associated with the application for UPS; and for this reason the Board adopts the position that the application of 800 Bradley Hill Road **does not** require Performance Standards Review for parking or an access easement since no operations are being performed or equipment stored in or on said property; and the Zoning Board of Appeals suggest that the Building Department review the Performance Standards for Oak Beverage to insure that there will be sufficient parking for their continued operation.

**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 **NOT NECESSARY AS UPS' USE OF 800 BRADLEY HILL ROAD IS ONLY BY USE OF AN EASEMENT AND RESTRICTIVE COVENANT FOR PARKING AND FOR ACCESS; AND SINCE NO OPERATION RELATING TO UPS LAST MILE DELIVERY OPERATION SHALL TAKE PLACE AT 800 BRADLEY HILL ROAD AND NO EQUIPMENT RELATING TO UPS WILL BE STORED AT 800 BRADLEY HILL ROAD: PERFORMANCE STANDARDS ARE NOT REQUIRED FOR PARKING OR AN ACCESS EASEMENT.**

**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.

TOWN OF ORANGETOWN  
2021 JAN 12 10:55  
TOWN CLERK'S OFFICE

(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.

The foregoing Resolution, the applicant is not utilizing 800 Bradley Hill Road for any of the operations or equipment associated with the application for UPS last mile delivery operation; and for this reason the Board adopts the position that the application of 800 Bradley Hill Road does not require Performance Standards Review for parking or an access easement since no operations are being performed or equipment stored in or on said property; and the Zoning Board of Appeals suggest that the Building Department review the Performance Standards for Oak Beverage to insure that there will be sufficient parking for their continued operation; which motion was presented and moved by Mr. Sullivan, seconded by Mr. Quinn and carried as follows: Mr. Valentine, aye; Mr. Quinn, aye; and Mr. Sullivan, aye. Mr. Bonomolo, Mr. Bosco and Ms. Castelli 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: January 6, 2021

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- Dave M.

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

TOWN CLERK'S OFFICE  
2021 JAN 12 A 10:55  
TOWN OF ORANGETOWN