

MINUTES  
ZONING BOARD OF APPEALS  
June 5, 2024

MEMBERS PRESENT:      MICHAEL BOSCO, CHAIRMAN  
                                 THOMAS QUINN  
                                 PATRICIA CASTELLI  
                                 BILLY VALENTINE

ABSENT:                      ROBERT BONOMOLO, JR.

ALSO, PRESENT:          Denise Sullivan,          Deputy Town Attorney  
                                 Katlyn Bettmann,        Senior Clerk Typist  
                                 Anne Marie Ambrose,    Official Stenographer

This meeting was called to order at 7: 03 P.M. by Mr. Bosco, 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 ITEMS:

WIDMER 39 Brightwood Avenue Pearl River, New York 68.12 / 5 / 53; RG zone	FLOOR AREA RATIO & § 5153 ACCESSORY STRUCTURE HEIGHT VARIANCES APPROVED SIDE YARD VARIANCE REMOVED	ZBA#24-20
--	---	-----------

NEW ITEMS:

ONYX EQUITIES, LLC. 64 & 140 Leber Road Blauvelt, New York 70.06 / 1 / 50.4 & 47; R-40 & LO zone	YARD PARKING, BUFFER, & PARKING SPACES WALKING DISTANCE VARIANCES APPROVED WITH CONDITIONS	ZBA#24-30
---	---	-----------

AMAZON.COM SERVICES, LLC. 200 & 400 Oritani Drive Blauvelt, New York 65.18 / 1 / 1 & 22 70.06 / 1 / 1.12; LO zone	NON-ILLUMINATED SIGN VARIANCE APPROVED	ZBA#24-31
---	---	-----------

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

TOWN OF ORANGETOWN  
2024 JUN 24 P 2:31  
TOWN CLERK'S OFFICE

The verbatim minutes, as recorded by the Board's official stenographer for the above hearings, are not transcribed.

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 application: Rosenfeld Site Plan – Critical Environmental Area, 1114 Route 9W, Upper Grandview, New York 71.05 / 1 / 19; R-22 zone; and Singer Site Plan – Critical Environmental Area, 20 Terrace Drive, South Nyack, New York 65.60 / 1 / 12; RG-8H zone; and FURTHER RESOLVED, to request to be notified by the Planning Board of SEQRA proceedings.

There being no further business to come before the Board, on motion duly made, seconded and carried, the meeting was adjourned at 8:40 P.M.

Dated: June 5, 2024

ZONING BOARD OF APPEALS  
TOWN OF ORANGETOWN

By 

Katlyn Bettmann, Senior Clerk Typist

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

TOWN OF ORANGETOWN  
2024 JUN 24 P 2:31  
TOWN CLERK'S OFFICE

**FLOOR AREA RATIO, AND § 5153 ACCESSORY STRUCTURE HEIGHT  
VARIANCES APPROVED. § 5.227 SIDE YARD TO ACCESSORY STRUCTURE  
VARIANCE REMOVED FROM PLANS.**

To: Christopher Widmer  
39 Brightwood Avenue  
Pearl River, New York 10965

ZBA #24-20  
Date: April 3, 2024 & June 5, 2024  
Permit # BLDR-4609-24

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA# 24-20: Application of Christopher Widmer for variances from Zoning Code (Chapter 43) of the Town of Orangetown, RG District, Group Q, Section 3.12, Column 4 (Floor Area Ratio: 30% permitted, 33.7% proposed ) and from Section 5.227 (Minimum Side Yard to Accessory Structure: 5' required, 1'4" proposed) and from 5.153 (Accessory Structure Maximum Height: 15' permitted, 20' proposed) for a new garage and carport located in the same location, as the one being demolished, at an existing single-family residence. The premises are located at 39 Brightwood Ave, Pearl River, New York and identified on the Orangetown Tax Map as Section 68.12, Block 5, Lot 53 in the RG zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a Hearing held on Wednesday, April 3, 2024 at which time the Board made the determination hereinafter set forth.

At the April 3, 2024 meeting:

Christopher Widmer, Allison Widmer, and Robert DePippa, Architect, appeared and testified.

The following documents were presented for the April 3, 2024 meeting:

1. Architectural plans, labelled the Wildmer residence dated 1/17/2024, signed and sealed by Robert P. De Pippa Jr., R.A. (3 pages: PA-3, PA-1, PA-2).
2. A survey map dated 4/9/1986, updated 4/2/1990, certified by Robert R. Rahnefeld, P.L.S., P.C.

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

At the April 3, 2024 meeting:

Christopher Widmer testified that they are a young family; that they have a two year old child; that they purchased the home in 2019; that currently it is a three bedroom house and there are three people in their family; that he himself works as a police officer for the Town of Haverstraw; that his wife works from home four to five days a week; that he would like to be able to have a work out room away from where his wife is work and to not be disturbing and making noise; that there would be a bathroom and water in the second floor of the garage, but no kitchen; that they would be re-building the garage to the exact same layout as to what is currently exists; that the garage is a long garage and can fit maybe one car and something small, like a mini cooper, but as his son gets older the toys pile up and that is where they store them; that they do not park a car in the garage; that he was told by a building inspector that there was an ordinance for having a home office and that they could not have that; that the structure above the garage is the priority more so than the carport; that he currently stores a boat under the existing carport; that moving the roof of the carport could be done; that judging by the survey the carport looks to be approximately 1' 4" from the property line, but that the garage is more like 10' from the property line, that he would like to have their project continued to the next available meeting.

Allison Widmer testified that she works for a large digital print publisher based out of L.A.; that she is currently working off of her dining room table; that is it difficult to do so with a toddler at home; that she is not looking to have a commercial office, she is seeking a home office; that the fence is a "leans to"; and that the hedges belong to the neighbors.

Robert DePippa, Architect, testified that the water and sewer lines would be secondary lines from the house; that they waiting to move forward with detailed plans until the variances were approved; that the side yard distance is 2' from the carport column but 1' 4" from the overhang of the roof; and that they may be able to revise the plans to comply with the side yard setback by pushing back the carport by 5'.

At the April 3, 2024 hearing the following Public Comment took place:

Caroline Clerkin, 45 Brightwood Avenue, Pearl River, testified that they live directly next door along the bush line; that they moved in 14 years ago; that they were not happy about the carport when it was put in but it was an elderly couple at the time; that the gutters from the carport drain onto their property; that her and her husband went over and spoke with the current owners and told them that they don't want the carport back in the same position if they do take it down; that they are not being mean, they don't want them to take it down but they don't want it in the same spot; that the previous owners used to come over and clean up and maintain the mess created by the carport; that they should be able to maintain the carport on their own property; that there is water and dirt on top of their trees from the runoff of their carport; that they have no issue with the existing garage or proposed work to the garage; that they just don't want the carport put back in the same spot; that they may not be the owners forever;

Brian Clerkin, 45 Brightwood Avenue, Pearl River, testified that he agrees with his wife.

Francis Gannon, 133 Springsteen Avenue, Pearl River, testified that Christopher Widmer is his nephew; that he talked him into moving into Pearl River; that they love their neighborhood; that he is also a police officer and understands the shift work and disturbing the family; and that they are great couple to have in the neighborhood.

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.

June 5, 2024

ZBA# 24-20: Application of Christopher Widmer for variances from Zoning Code (Chapter 43) of the Town of Orangetown, RG District, Group Q, Section 3.12, Column 4 (Floor Area Ratio: 30% permitted, 33.7% proposed ) and from Section 5.227 (Minimum Side Yard to Accessory Structure: 5' required, 1'4" proposed) and from 5.153 (Accessory Structure Maximum Height: 15' permitted, 20' proposed) for a new garage and carport located in the same location, as the one being demolished, at an existing single-family residence. The premises are located at 39 Brightwood Ave, Pearl River, New York and identified on the Orangetown Tax Map as Section 68.12, Block 5, Lot 53 in the RG zoning district.

Members present: Michael Bosco, Chairman, Trish Castelli, Billy Valentine, Tom Quinn. Rob Bonomolo, was absent.

Also present: Denise Sullivan Esq., Deputy town attorney, Anne Marie Ambrose, Official stenographer, Katlyn Bettmann, Senior Clerk Typist

Christopher Widmer, and Allison Widmer appeared and testified.

TOWN CLERK'S OFFICE  
2024 JUN 24 P 2 31  
TOWN OF ORANGETOWN

The following documents were presented:

1. Architectural plans, labelled the Wildmer residence dated 1/17/2024, with the most recent revision date of 5/06/2024 for signed and sealed by Robert P. De Pippa Jr., R.A. (3 pages: PA-3 rev. 5-6-2024, PA-1 rev. 4-11-2024, PA-2 rev. 4-11-2024).
2. A survey map dated 4/9/1986, updated 4/2/1990, certified by Robert R. Rahnefeld, P.L.S., P.C.

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

Christopher Widmer testified that since they were last in front of the Board they had revised the plans to have the carport roofline moved 5 (5') feet away from the neighbor's property line; that the carport that exists has a roof that overhangs an existing fence; and that the fence is to remain.

Allison Widmer testified that the side yard variance has been removed; that the floor area ratio and height variances are staying the same.

Mr. Valentine stated that his sole issue was the side yard variance and the water runoff onto the neighbor's property. That the changes made have sufficiently addressed his concerns. Ms. Castelli and Mr. Bosco agreed.

Mr. Bosco clarified that the fence does not delineate the property line. Mr. Bosco also stated that full detailed drawings would be required in order to obtain a permit.

Public Comment:

Caroline Clerkin, 45 Brightwood Avenue, Pearl River, testified that she did not see the updated plans; that previously there was mention that would be no windows on their side of the property and she hopes that has remained; that at their last appearance the homeowner stated that he had taken his own measurements; that she wants to be sure that the homeowner is to abide by the surveyors measurements and what is correct, which she displayed to the Board on her survey and took back with her; that the existing fence and its location of no problem whatsoever; that after having the Board explain the project changes to her she wishes the homeowner best of luck.

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.

---

On advice of Denise Sullivan, Deputy Town Attorney, counsel to the Zoning Board of Appeals, Mr. Bosco 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 Ms. Castelli and carried as follows: Mr. Bosco, aye; Valentine, aye; Mr. Quinn, aye; and Ms. Castelli, aye. Mr. Bonomolo was absent.

A satisfactory statement in accordance with the provisions of Section 809 of the General Municipal Law of New York was received.

TOWN OF ORANGETOWN  
2024 JUN 24 P 2:31  
TOWN CLERK'S OFFICE

Mr. Bosco 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 floor area ratio, & § 5.153 accessory structure maximum height variances will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. Similar structures have been constructed in the neighborhood.
2. The requested floor area ratio, & § 5.153 accessory structure maximum height variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. Similar structures have been constructed in the neighborhood.
3. The benefits sought by the applicant cannot be achieved by other means feasible for the applicant to pursue other than by obtaining variances.
4. The requested floor area ratio, & § 5.153 accessory structure maximum height variances 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. Similar structures have been constructed in the neighborhood.
5. The applicant purchased the property subject to Orangetown's Zoning Code (Chapter 43) and is proposing a new addition and/or improvements, so the alleged difficulty was self-created, which consideration was relevant to the decision of the Board of Appeals, but did not, by itself, preclude the granting of the area variance.

**DECISION:** In view of the foregoing and the testimony and documents presented, the Board **RESOLVED** that the application for the requested floor area ratio, & § 5.153 accessory structure maximum height 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.

TOWN CLERK'S OFFICE

NOV 15 2024

TOWN OF ORANGETOWN

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

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


The foregoing resolution to approve the application for the requested variances are APPROVED; and FURTHER RESOLVED, was presented and moved by Mr. Valentine, seconded by Mr. Quinn and carried as follows: Mr. Bosco, aye; Ms. Castelli, aye. Mr. Quinn, aye; Mr. Valentine, aye; Mr. Bonomolo, was absent.

The Senior Clerk Typist 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: June 5, 2024

ZONING BOARD OF APPEALS  
TOWN OF ORANGETOWN

By

  
Katlyn Bettmann  
Senior Clerk Typist

DISTRIBUTION:

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

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

TOWN CLERK'S OFFICE  
2024 JUN 24 P 2:32  
TOWN OF ORANGETOWN

**YARD PARKING, BUFFER, & PARKING SPACES WALKING DISTANCE  
VARIANCES APPROVED WITH CONDITIONS**

To: Seth Mandelbaum(Land use Attorney)  
1133 Mamaroneck Avenue  
Suite 340  
White Plains, New York 10605

ZBA #24-30  
Date: June 5, 2024  
Permit # BLDC-3812-23

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA# 24-30: Application of Onyx Equities, LLC., for variances from Zoning Code (Chapter 43), R-40 and LO District, Section 3.11, LO district, Column 7, #3, (Use regulation no parking permitted in any required yard, with parking proposed), Section 3.12 , Group x, Column #2(100' buffer required from district line abutting R-40 zone & front yard setback 100' required equally 200' required overall, with 100' proposed on the South side of the property and 10' proposed on the East side of the property), and from Article VI, Section 6.33 (required off-street parking spaces 1,000' walking distance permitted, 1,872' proposed) for lot merger of vacant land to create and accessory park lot for electric vehicle storage. The premises are located at 64 & 140 Leber Road, Blauvelt, New York and identified on the Orangetown Tax Map as Section 70.06, Block 1, Lot 50.4 & 47 in the LO & R-40 zoning districts.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a Hearing held on Wednesday, June 5, 2024 at which time the Board made the determination hereinafter set forth.

Seth Mandelbaum, Attorney, Robert Freud, Dynamic Engineering, Mi Rae Lee, Rivian design manager, Leland Greenfield, Rivian, appeared and testified.

The following documents were presented:

1. Site plans, labelled preliminary and final site plan for Onyx Equities, LLC., dated 10/02/2023, with the most recent revision date of 04/02/2024 signed and sealed by Zachary A. Kamm, L.P.E. (28 pages).
2. Minor Subdivision map dated 10/17/2023 signed and sealed by James D. Sens, L.S. (2 pages).
3. Sight line plan and profile exhibit plans, dated 02/12/2024 signed and sealed by Zachary A. Kamm, L.P.E. (4 pages).
4. A letter dated April 4, 2024 from McCullough, Goldberger & Staudt, LLP, Attorneys at Law with a brief history, analysis, variance request, and conclusion signed by Seth M. Mandelbaum, Managing Partner.
5. A letter dated June 4, 2024 from Rockland County Sewer District No. 1 signed by Nicholas King, Engineer I.
6. A letter dated May 9, 2024 from Rockland County Department of Planning signed by Douglas J. Schuetz, Acting Commissioner of Planning.
7. A "No comments at this time, please send future correspondence for review" from Dyan Rajasingham, Rockland County Highway Department, dated May 1, 2024.
8. A "Comments attached" from Rockland County Planning Department signed by Jake Palant dated April 29, 2024.

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

Seth Mandelbaum, attorney, testified that Onyx Equities purchased the property around 5 years ago; that they have been diligently upgrading the facilities and re-tenanting buildings and the site with high quality tenants including Rivian ( an EV company); that in April of 2023 they had an application for 800 Bradley Hill Road that went in front of the Planning Board to repurpose an old warehouse to use as an authorized EV sales and distribution center with approximately 123 parking spaces which will hopefully be opening any day; that the application before the Board today is for an accessory parking lot up the hill from that previously approved site; that this lot will be used as the EV storage for the vehicles that are pre-ordered by customer; that they would then come down the hill to be prepped for the customers and the customers would come pick them up from the service center; that there was a reference to a March 27, 2024 Planning Board decision; that there were actually two Planning Board decisions one is a lot merger of 64 & 140



Leber Road and the other is the negative declaration (SEQRA) preliminary site plan subject to Zoning Board variances and the Watercourse Diversion Permit; that they were recently at the Town Board for their watercourse approval; that they believe the screening of the berm and changes made when in front of the Planning Board will benefit all; that the visibility and light and screening concerns had been addressed with the neighbors; that the first listed variance for parking in required yard was discussed at the Planning Board hearing of March 27, 2024 and they did vote to permit this parking subject to review from the Zoning Board; that it seems more like a grey area and it is unclear if it still requires a variance as it states that "may be given at site review"; that either way he would like to move forward with the granting of the variances as needed; that there will be no electric vehicle charging on this lot whatsoever; that the number of parking spaces has been reduced to accommodate for the breaks in the parking spaces as discussed with the Town Bureau of Fire Prevention; that the applicant would not propose something to be built if they did not feel that the need is there for it to be filled; that Rivian has a long-term commitment to the site and the site has been designed to handle what the market is currently requiring including growth for projections into the future; so they would not have to come back and ask for more.

Robert Freud, Dynamic Engineering, testified that customers will be going to the Rivian location to pick up their vehicles; that customers will not go to the proposed lot to pick up their vehicles; that no one will have any access from Leber Road onto the proposed lot; that they will not be going onto Route 303 either they will go onto Bradley Hill Road and then onto the proposed site; that lot 50.4 is the bulk of the site which is roughly eleven acres while lot 47 is roughly two acres; that there are long driveways into the site; that they will need to do some minor grading to the parking lot; that the existing vegetation is approximately twenty (20') feet by one-hundred 100' feet; that there will be some augmenting done to the vegetation; that the back of the berm is approximately eight (8') feet to ten (10') feet downhill from the neighbors; that the lights impacted from the sight were mitigated at the Planning Board level; that the proposed development is lower than the existing berm; that all of the existing trees are to remain; that to the West there is a view of extensive existing vegetation providing approximately two-hundred (200') feet of distance before you reach the closest property line which is at a higher elevation; that the elevation of the houses behind the berm are at 145 and the proposed parking area is at 125; that approximately 291 plantings which consists of over eighty (80%) percent being evergreen trees makes up the screenings for the residents to be added into the existing vegetation; that it was discussed at the Planning Board level that they would be working with the Town's arborist for proper placement of supplementing the trees into the berm; that the proposed lot is set to be a remote parking lot for Rivian consisting of 633 parking spaces with two points of access that will have no use of Leber Road at any point; that Leber Road will remain undeveloped; that there is an easement for sanitary sewer that runs through the property which dictates the stormwater location and some of the grading; that the new system will not discharge towards any of the neighbors; that the visible "Amazon" sign is unable to have additional screening due to the sewer easement as well; that the parking spaces were reduced from their original submission but they are looking to get the most out of the property; that they are only getting five (5%) percent where fifty (50%) percent is allowed; that from Rivian's perspective business will increase to between one and three car carriers a day each carrying seven to eight vehicles; that once the vehicles arrive at the facility that they then are ordered online and will be brought down the hill for the customer to come to pick up their vehicle; that this location will become the regional facility for Rivian like a hub; that the cars will not sit in the proposed lot for long periods of time they will be built up and picked up or shipped out; that Rivian is different from our standard dealerships as in we do not walk the car lots to pick out a vehicle; that customers are ordering the vehicles online and buying them and having them delivered first to the facility then it will get staged at 800 Bradley Hill Road; that they will be opened Monday thru Saturday and closed on Sundays; that the Zone line runs through the property approximately thirty (35') feet North of the property line; that the East side of the property setback is a twelve (12') foot buffer where one-hundred (100') feet is required; that although they have well over one-hundred (100') feet from the property line the zone line intersection is causing the variance relief required; that they are more than one-thousand (1000') feet away from the facility and it would make walking back and forth very trying; that this is all on the same campus so they feel that this is an appropriate request for relief of design and planning on campus; that they are

adding two fire hydrants per their conversations

Onyx Equities, LLC.

ZBA#24-30

Permit # BLDC-3812-23

Page 3 of 6

With the Bureau of fire prevention; that there will be one hydrant on the West side of the lot and one hydrant on the East side of the lot using the existing main; that other than area lights there is no electric in this proposed area; that area lighting is facing downward; that they have done Geotech testing and will provide those results; that there is no negative impact on sewers; that per the received referral letters it is not uncommon with new vehicle storage areas to keep the area compact; that a lot of the area has the easements and they want to be careful not to add islands with vegetation; that they would like to use more standard materials and make improvements from the current conditions; that there is plenty of room in order to satisfy the letters received previously from the Fire Prevention Bureau and currently from the County's agencies;

Mi Rae Lee, design manager, testified that currently vehicles are customized and ordered online; that they are then manufactured in Normal, Illinois and brought to their closest service center; that their Brooklyn facility would be the closest service center and is (25,000 – 30,000 S.F.).

Leland Greenfield, regional development of service, testified that their Brooklyn facility has one hundred parking spaces on site and one hundred parking spaces off site; that the onsite parking lot is full and the offsite lot is three quarters full at; that Rivian also currently has a temporary storage facility site located in Mahwah, New Jersey while they await this approval; that this location would be become a hub like a delivery facility; that they would then open smaller facilities to deliver to from here; that they have two other facilities similar in California and Washington D.C.; that he cannot disclose sales numbers or know specifically how many vehicles get picked up from the facilities a day but he believes it to be six to eight a day possibly higher on weekends.

Denise Sullivan, District Town Attorney, referred to Addendum received with PB#24-80 to confirm that a variance will be needed for parking.

Public Comment:

Patricia Vanderbeek, 74 Leber Road, Blauvelt testified that she has concerns because the berm never had anything previously planted there; that one of the houses in her area had the berm flattened out back there and was storing cars there; that she doesn't want them to store cars there again; that part of the berm that was knocked down was never replaced; that someone had been back in that area placing cones; and that she is happy that the car sounds will not be going off at 3:00 am.

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.

On advice of Denise Sullivan, Deputy Town Attorney, counsel to the Zoning Board of Appeals, Mr. Bosco 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 these applications, 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 March 27, 2024 (as set forth in PB#24-08 granted Preliminary Site Plan approval subject to Conditions), rendered an environmental determination that no significant adverse environmental impacts would 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 Mr. Valentine and carried as follows: Mr. Bosco, aye; Mr. Quinn, aye; Ms. Castelli, aye; and Mr. Valentine, aye. Mr. Bonomolo was absent.

A satisfactory statement in accordance with the provisions of Section 809 of the General Municipal Law of New York was received.

Mr. Bosco 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 yard parking, buffer, and off-street parking spaces walking distance variances will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The applicant has addressed the neighbors' concerns and will be improving the existing berm; the drainage in the area will be improved once the new stormwater system is in place; the setback variance is only required because the zone line runs through the middle of the property since the lots have been merged; there will be no access to the site from Leber Road this will be an on campus access only; and the overall site will be improved in comparison to its existing conditions.
2. The requested yard parking, buffer, and off-street parking spaces walking distance variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The applicant has addressed the neighbors' concerns and will be improving the existing berm; the drainage in the area will be improved once the new stormwater system is in place; the setback variance is only required because the zone line runs through the middle of the property since the lots have been merged; there will be no access to the site from Leber Road this will be an on campus access only; and the overall site will be improved in comparison to its existing conditions.
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 yard parking, buffer, and off-street parking spaces walking distance variances 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. The applicant has addressed the neighbors' concerns and will be improving the existing berm; the drainage in the area will be improved once the new stormwater system is in place; the setback variance is only required because the zone line runs through the middle of the property since the lots have been merged; there will be no access to the site from Leber Road this will be an on campus access only; and the overall site will be improved in comparison to its existing conditions.
5. The applicant purchased the property subject to Orangetown's Zoning Code (Chapter 43) and is proposing a new addition and/or improvement, 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.

Mr. Bosco made a motion to override comments from the May 9, 2024 letter from Rockland County Department of Planning, signed by Douglas J. Schuetz, Acting Commissioner of Planning, at the applicant's request, part of comment #6 because applicant will not be adding vegetation to the parking area which is not uncommon in new car storage areas; and comment #7 because a new stormwater system has been designed and will be added, and a sanitary sewer easement exists on the property which they would not like to place additional parking islands on; which motion was seconded by Ms. Castelli and carried unanimously.

DECISION: In view of the foregoing and the testimony and documents presented, the Board RESOLVED that the application for the requested yard parking, buffer, and off-street parking spaces walking distance variances are APPROVED; and FURTHER RESOLVED, to override part of comment #6 of the letter dated May 9, 2024 from Rockland County Department of Planning at the applicant's request because applicant will not be adding vegetation to the parking area which is not uncommon in new car storage areas; and FURTHER RESOLVED, to override comment #7 of the letter dated May 9, 2024 from Rockland County Department of Planning at the applicant's request because a new stormwater system has been designed and will be added; and a sanitary sewer easement exists on the property which they would not like to place additional parking islands on with the following SPECIFIC CONDITIONS, (1) the applicant is to review the berm in the vicinity of 74 Leber Road, where berm has been removed, to design remediation in that area, without negative impacts to neighbors or environment; (2) letter from Rockland County Sewer District No. 1, dated June 4, 2024 from signed by Nicholas King, Engineer I. (3) letter dated May 9, 2024 from Rockland County Department of Planning signed by Douglas J. Schuetz, Acting Commissioner of Planning; such decision and the vote thereon shall become effective and be deemed rendered on the date of adoption by the Board of the minutes of which they are a part

General Conditions:

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

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

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

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

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

The foregoing resolution to approve the application for the requested yard parking, buffer, and off-street parking spaces walking distance variances are APPROVED; and FURTHER RESOLVED, to override part of comment #6 of the letter dated May 9, 2024 from Rockland County Department of Planning at the applicant's request because applicant will not be adding vegetation to the parking area which is not uncommon in new car storage areas; and FURTHER RESOLVED, to override comment #7 of the letter dated May 9, 2024 from Rockland County Department of Planning at the applicant's request because a new stormwater system has been designed and will be added; and a sanitary sewer easement exists on the property which they would not like to place additional parking islands on with the following SPECIFIC CONDITIONS, (1) the applicant is to review the berm in the vicinity of 74 Leber Road, where berm has been removed, to design remediation in that area, without negative impacts to neighbors or environment; (2) letter from Rockland County Sewer District No. 1, dated June 4, 2024 from signed by Nicholas King, Engineer I. (3) letter dated May 9, 2024 from Rockland County Department of Planning signed by Douglas J. Schuetz, Acting Commissioner of Planning; by Mr. Bosco, seconded by Ms. Castelli and carried as follows: Mr. Bosco, aye; Ms. Castelli, aye; Mr. Quinn, aye; and Mr. Valentine, aye. Mr. Bonomolo was absent.

The Senior Clerk Typist 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: June 5, 2024

ZONING BOARD OF APPEALS  
TOWN OF ORANGETOWN

By   
Katlyn Bettmann  
Senior Clerk Typist

DISTRIBUTION:

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

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

TOWN CLERK'S OFFICE  
2024 JUN 24 P 2:33  
TOWN OF ORANGETOWN

**NON-ILLUMINATED SIGN VARIANCE APPROVED**

To: Daniel Patrick (Attorney)  
445 Hamilton Avenue  
Floor 14  
White Plains, New York 10601

ZBA #24-31  
Date: June 5, 2024  
Permit # BLDC-2843-23

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#24-31: Application of Amazon.com Services, LLC., for variances from Zoning Code (Chapter 43), Section 3.11, LO district, Column 5, #11, (Signage: illuminated signs shall not exceed 30 square feet (1 side) or 60 square feet (2 sides) permitted, 20 square feet over proposed) for the AS-16 sign which contains the Amazon logo. The premises are located at 200 & 400 Oritani Drive, Blauvelt, New York and identified on the Orangetown Tax Map as Section 65.18, Block 1, Lot 1 & 22 and Section 70.06, Block 1, Lot 1.12 in the LO zoning districts.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a Hearing held on Wednesday, June 5, 2024 at which time the Board made the determination hereinafter set forth.

Daniel Patrick, attorney, and Joseph Jorge, Amazon appeared and testified.

The following documents were presented:

1. Architectural site plans, labelled delivery station expansion, dated October 11, 2021 with the most recent revision date of March 28, 2024, signed and sealed by Jeffrey Tibbitts, L.P.E. (4 pages).
2. Binder of material submitted by Cuddy + Feder with Exhibits A – I.
3. A letter dated June 4, 2024 from Rockland County Sewer District No. 1 signed by Nicholas King, Engineer I.
4. A letter dated May 21, 2024 from Rockland County Department of Planning signed by Douglas J. Schuetz, Acting Commissioner of Planning.
5. A “No comments at this time, please send future correspondence for review” from Dyan Rajasingham, Rockland County Highway Department, dated May 10, 2024.
6. A “Comments attached” from Rockland County Planning Department signed by Jake Palant dated May 9, 2024.

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

Daniel Patrick testified that the site plan was submitted with renovation proposal which included EV new striping with the exception of one sign; that the new sign is proposed to stand at the entrance which directs traffic; that there is an existing sign they would just be replacing it with a larger sign; that the existing sign total height is eight 8’ feet tall and the face is three 3’ feet by four 4’ feet; that the new sign will be the same height and will be five 5’ feet by four 4’ feet; that because they’ve added this second sign to their proposal that are now over their allowed square footage and require the variance; that the benefits to the site will far exceed and offsite impacts; that the circulation of traffic flow will be improved and there will be no stopping of traffic in the driveway of vehicles to turn around and be misguided; that this is an existing industrial complex and the sign will only be visible onsite; and that the improvements will increase safety to the existing site.

Joseph Jorge testified that none of the signs are illuminated.

TOWN OF ORANGETOWN  
JUN 24 2024  
ZONING BOARD OF APPEALS

On advice of Denise Sullivan, Deputy Town Attorney, counsel to the Zoning Board of Appeals, Mr. Bosco moved for a Board determination that the foregoing application seeks area or bulk variances for construction or expansion of primary, or accessory or appurtenant, non-residential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls; this application is exempt from the State Environmental Quality Review Act (SEQRA), pursuant to SEQRA Regulations §617.5 (c) (9); which does not require SEQRA environmental review. The motion was seconded by Ms. Castelli and carried as follows: Mr. Bosco, aye; Ms. Castelli, aye; Mr. Valentine, aye, Mr. Quinn, aye. Mr. Bonomolo was absent.

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. Bosco made a motion to close the Public Hearing which motion was seconded by Ms. 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 § 3.11, Column 5 #11 Non-illuminated sign variance will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The standing sign is only visible onsite, and will improve the current flow of traffic.
2. The requested § 3.11, Column 5 #11 Non-illuminated sign variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The standing sign is only visible onsite, and will improve the current flow of traffic.
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 § 3.11, Column 5 #11 Non-illuminated sign 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. The standing sign is only visible onsite, and will improve the current flow of traffic.
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  
2024 JUN 24 P 03:33  
TOWN OF ORANGETOWN

DECISION: In view of the foregoing and the testimony and documents presented, the Board RESOLVED that the application for the requested § 3.11, Column 5 #11 Non-illuminated sign 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.

The foregoing resolution to approve the application for the requested § 3.11, Column 5 #11 Non-illuminated sign variance is APPROVED; and FURTHER RESOLVED, was presented and moved by Ms. Castelli, seconded by Mr. Valentine and carried as follows: Mr. Bosco, aye; Ms. Castelli, aye; Mr. Valentine, aye; and Mr. Quinn, aye. Mr. Bonomolo was absent.

TOWN CLERK'S OFFICE  
2024 JUN 24 3 33  
TOWN OF ORANGETOWN



The Senior Clerk Typist 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: June 5, 2024

ZONING BOARD OF APPEALS  
TOWN OF ORANGETOWN

By   
Katlyn Bettmann  
Senior Clerk Typist

DISTRIBUTION:

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

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

TOWN OF ORANGETOWN  
2024 JUN 24 P 2:33  
TOWN CLERK'S OFFICE