

Name of Municipality: TOWN OF ORANGETOWN

Date Submitted: _____

2020 LAND USE BOARD APPLICATION

Please check all that apply:

<input type="checkbox"/> Commercial	<input type="checkbox"/> Residential
<input type="checkbox"/> Planning Board	<input type="checkbox"/> Historical Board
<input type="checkbox"/> Zoning Board of Appeals	<input type="checkbox"/> Architectural Board
<input type="checkbox"/> Subdivision	<input type="checkbox"/> Consultation
<input type="checkbox"/> Number of Lots	<input type="checkbox"/> Pre-Preliminary/Sketch
<input type="checkbox"/> Site Plan	<input type="checkbox"/> Preliminary
<input type="checkbox"/> Conditional Use	<input type="checkbox"/> Final
<input type="checkbox"/> Special Permit	<input type="checkbox"/> Interpretation
<input type="checkbox"/> Variance	
<input type="checkbox"/> Performance Standards Review	
<input type="checkbox"/> Use Variance	
<input type="checkbox"/> Other (specify): _____	

PERMIT#: 50342
 ASSIGNED
 INSPECTOR: Mike M

Referred from Planning Board: YES / NO
 If yes provide date of Planning Board meeting: _____

Project Name: Balaguer

Street Address: 144 Howard Ave Tappan NY

Tax Map Designation:

Section: 74.17 Block: 3 Lot(s): 2
Section: _____ Block: _____ Lot(s): _____

Directional Location:

On the _____ side of _____, approximately _____ feet of the intersection of _____, in the Town of ORANGETOWN in the hamlet/village of _____.

Acreage of Parcel 1/3
School District S Orangetown
Ambulance District Orangetown
Water District Suez

Zoning District R-15
Postal District Tappan
Fire District Tappan
Sewer District Orangetown

Project Description: (If additional space required, please attach a narrative summary.)

See Narrative.

The undersigned agrees to an extension of the statutory time limit for scheduling a public hearing.

Date: _____ Applicant's Signature: _____

APPLICATION REVIEW FORM

Applicant: _____ Phone # _____

Address: _____
Street Name & Number (Post Office) City State Zip Code

Property Owner: _____ Phone # _____

Address: _____
Street Name & Number (Post Office) City State Zip Code

Engineer/Architect/Surveyor: _____ Phone # _____

Address: _____
Street Name & Number (Post Office) City State Zip Code

Attorney: _____ Phone # _____

Address: _____
Street Name & Number (Post Office) City State Zip Code

Contact Person: _____ Phone # _____

Address: _____
Street Name & Number (Post Office) City State Zip Code

GENERAL MUNICIPAL LAW REVIEW:

This property is within 500 feet of:
(Check all that apply)

IF ANY ITEM IS CHECKED, A REVIEW MUST BE DONE BY THE ROCKLAND COUNTY COMMISSIONER OF PLANNING UNDER THE STATE GENERAL MUNICIPAL LAW, SECTIONS 239 L, M, N, AND NN.

_____ State or County Road
_____ Long Path
_____ Municipal Boundary

_____ State or County Park
_____ County Stream
_____ County Facility

List name(s) of facility checked above:

Referral Agencies:

_____ RC Highway Department
_____ RC Drainage Agency
_____ NYS Dept. of Transportation
_____ NYS Thruway Authority
_____ Adjacent Municipality
_____ Other _____

_____ RC Division of Environmental Resources
_____ RC Dept. of Health
_____ NYS Dept. of Environmental Conservation
_____ Palisades Interstate Park Commission

APPLICATION REVIEW FORM

FILL IN WHERE APPLICABLE.

(IF THE FOLLOWING DOES NOT APPLY PLEASE MOVE ON TO THE NEXT PAGE)

If subdivision:

- 1) Is any variance from the subdivision regulations required? _____
- 2) Is any open space being offered? ____ If so, what amount? _____
- 3) Is this a standard or average density subdivision? _____

If site plan:

- 1) Existing square footage _____
- 2) Total square footage _____
- 3) Number of dwelling units _____

If special permit, list special permit use and what the property will be used for.

Environmental Constraints:

Are there **slopes greater than 25%**? If yes, please indicate the amount and show the gross and net area _____

Are there **streams** on the site? If yes, please provide the names. _____

Are there **wetlands** on the site? If yes, please provide the names and type: _____

Project History:

Has this project ever been reviewed before? NO

If so, provide a narrative, including the list case number, name, date, and the board(s) you appeared before, and the status of any previous approvals.

List tax map section, block & lot numbers for all other abutting properties in the same ownership as this project.



OFFICE OF BUILDING, ZONING, PLANNING,
ADMINISTRATION AND ENFORCEMENT
TOWN OF ORANGETOWN

20 Greenbush Road
Orangeburg, N.Y. 10962

Jane Slavin, R.A.
Director

(845)359-8410

Fax: (845) 359-8526

DENIAL TO THE ZONING BOARD OF APPEALS

Date: July 24, 2020

Applicant: Balaguer

Address: 144 howard Ave., Tappan, NY

RE: Application Made at: same

Chapter 43, Section 11.2 Definitions...Home Occupation... Private Air Brush Artist not listed.

Interpretation requested

Section: 74.17 Block: 3 Lot: 2

Dear Balaguer:

Please be advised that the Building Permit Application, which you submitted on
July 20, 2020, has been denied. I have enclosed a Xerox copy of your application, where you will find
at the bottom the reason for denial.

**In Accordance with Zoning, Chapter 43 Section 10.322 the time to appeal a determination of a
Building Inspector or Similar administrative office is thirty (30) days from the filing of such a
determination with the Town Clerk.**

The Clerk to the Zoning Board of Appeals, Debbie Arbolino, will assist you in the preparation necessary to
appear before the board.

Sincerely,

Richard Oliver
Deputy Building Inspector

Signature of Director
NOTE: PLEASE KEEP FOR YOUR RECORDS
12-31-18-CCC

Date
CC: Rosanna Sfraga
Liz Decort
Debbie Arbolino

**PERMIT EXPIRES TWO (2) YEARS FROM DATE OF ISSUANCE.
TWO SIX (6) MONTH EXTENSIONS MAY BE GRANTED PRIOR TO EXPIRATION DATE.
APPLICATION FOR BUILDING / DEMOLITION PERMIT**

TOWN OF ORANGETOWN

20 Greenbush Road, Orangeburg, NY 10962 Phone: (845) 359-8410 Fax: (845) 359-8526

ZONE: <u>R-15</u>	OFFICIAL USE ONLY	ACREAGE: <u>.53</u>
Inspector: <u>MIKE</u>	Date App Received: <u>7/20/2000</u>	Received By: <u>DM</u>
Permit No. <u>50342</u>	Date Issued: _____	
CO No. _____	Date Issued: _____	
Permit Fee: <u>\$100.</u>	Ck# <u>1343</u>	Paid By <u>Balaguer</u>
GIS Fee: <u>\$20.</u>	Ck# <u>1342</u>	Paid By " "
Stream Maintenance Fee	Ck # _____	Paid By _____
Additional Fee: _____	Ck# _____	Date Paid _____ Paid By _____
1st 6 mo. Ext.: _____	Ck # _____	Exp. Date: _____ Paid By _____
2nd 6 mo. Ext.: _____	Ck # _____	Exp. Date: _____ Paid By _____

APPLICANT COMPLETES:

Note: See inside for instructions for completing this application,
PAGES 2, 3 and PAGE 4 must be reviewed and PAGES 3 & 4 must signed by the applicant.

Property Location: 144 Howard ave, Tappan, NY 10983

Section: 74.17 **Block:** 3 **Lot:** 2

Property Owner: Toni + Luis Balaguer

Mailing Address: 144 Howard Ave, Tappan, NY 10983

Email: tonilee07@gmail.com **Phone #:** 201-962-5158

Lessee (Business Name): _____

Mailing Address: _____

Email: _____ **Phone #:** _____

Type of Business / Use: other - please see attached

Contact Person: Toni Balaguer **Relation to Project:** OWNER

Email: tonilee07@gmail.com **Phone#:** 201-962-5158

Architect/Engineer: _____ **NYS Lic #** _____

Address: _____ **Phone#:** _____

Builder/General Contractor: _____ **RC Lic #** _____

Address: _____ **Phone#:** _____

Plumber: _____ **RC Lic #** _____

Address: _____ **Phone#:** _____

Electrician: _____ **RC Lic #:** _____

Address: _____ **Phone#:** _____

Heat/Cooling: _____ **RC Lic#:** _____

Address: _____ **Phone#:** _____

Existing use of structure or land: RESIDENTIAL SINGLE FAMILY DWELLING

Proposed Project Description: via HOME OCCUPATION PERMIT

Proposed Square Footage: _____ **Estimated Construction Value (\$):** \$

BUILDING DEPARTMENT COMPLETES BELOW

PLANS REVIEWED: _____

PERMIT REFERRED / DENIED FOR: _____

Chapter 43, Section 11.2, Additions; Home Occupations -
Private Air Brush Artist - Interpretation Requested.

87-27-2000

[Signature] 7/24/2000

FOR OFFICE USE ONLY SECTION BLOCK LOT NAME PERMIT#

SWIS	PRINT KEY	NAME	ADDRESS
392489	74.13-3-47	Winnie Llave	21 Horn St,Orangeburg, NY 10962
392489	74.13-3-48	Benjamin Abankwa	156 Howard Ave,Orangeburg, NY 10962
392489	74.13-3-49	Orange & Rockland Utilities	1 Blue Hill Plz Fl 19,Pearl River, NY 10965
392489	74.17-2-9	Helen S Crabbe	26 Ethan Allen Ct,Orangeburg, NY 10962
392489	74.17-2-10	Philip Raymundo	25 Ethan Allen Ct,Orangeburg, NY 10962
392489	74.17-2-11	Ligiang Sun	24 Ethan Allen Ct,Orangeburg, NY 10962
392489	74.17-2-13	Zeeva Greenberg	31 Pulaski Ct,Orangeburg, NY 10962
392489	74.17-3-1	Sophia Chun	150 Howard Ave,Tappan, NY 10983
392489	74.17-3-2	Luis Balaguer	144 Howard Ave,Tappan, NY 10983
392489	74.17-3-3	Alfred A Batelli	2 Revere Pl,Tappan, NY 10983
392489	74.17-3-4	James Magretti	3 Revere Pl,Tappan, NY 10983
392489	74.17-3-71	Frances Sasso	16 Revere Pl,Tappan, NY 10983
392489	74.17-3-72	Claudia M Nieves	10 Revere Pl,Tappan, NY 10983
392489	74.17-4-1	Stuart Bornstein	145 Howard Ave,Tappan, NY 10983
392489	74.17-4-2	Robert Morris	137 Howard Av,Tappan, NY 10983

8/18/2020

ZBA Request for Interpretation: Private Airbrush Artist

Dear Board Members,

My name is Toni Balaguer. I've been an Orangetown resident for the last 34 years.

This past July, I applied for a Home Occupancy permit and was denied. I wish to appeal and request interpretation based on the following.

Outdated Code

- The Home Occupancy definitions haven't been amended in almost 11 years.
- They're quite narrow in scope and don't account for any newer type occupations.
- If the code was written today, I believe an Airbrush Artist would be an acceptable usage.

Business Volume - very low

- By appointment only. 15 minute session.
- Generally in the evenings between 5-8 pm.
- Mostly seasonal, event based (parties, vacations etc.).
- Currently averaging, 2.5 hours per week
- During 2019 peak, 6 hours per week (bridal parties, sweet 16s, prom etc.)
- Renting commercial space would not be economical

Proposed Use: Airbrush Tanning Artist

Very similar to a Make-up Artist, but with no physical contact. We simply airbrush an organic cosmetic bronzer onto clients to make them look tan. It's a private one-on-one service.

Airbrush tanning is very different than a tanning salon. Salons mainly use large UV tanning bed equipment and accommodate several people at one time.

Location: 144 Howard Ave, Tappan, NY 10983

- Entrance: On left side of the house, right off the driveway
- Sq. Ft: ~325 out of 4,500
- Parking Spots: 8 - 12
- Ground level with 2 windows and 2 exits
- No construction or renovations needed
- No outdoor signage
- No outdoor storage
- Zero outdoor footprint

A little bit more about myself...

I live with my husband and 2 daughters (14 & 12). I initially started this side business with the intention of making a little extra money. In hindsight, I've also been able to teach my girls what it is to have good work ethic along with many other respectable qualities.

I've been an Airbrush Tanning Artist since 2010. I'm registered with the County Clerk's office and also have an LLC (pending publication).

For 12 years, we lived down the street on Greywood Drive. I never once had any issues with my neighbors.


About a year ago (10/2019), we bought our current home on Howard. When we began looking, our realtor insisted that we see it. She thought it would be ideal for my side business. The space had its own entrance and was perfect as it allowed for a completely separate work area from the rest of the house.

This past July I was mailed a Violation Notice from the town. They had received a complaint that a business was being operated from my home. I was shocked because I had no idea I was doing anything wrong. The very next business day I reached out to the town and began the permit process. When the permit was denied, I again reached out to the town to understand and review my options.

I'm pleased to say that everyone I've spoken to has been extremely helpful. I'm very grateful to be living in Orangetown.

Thank you very much for your time.

Sincerely,



Toni Balaguer
144 Howard Ave, Tappan, NY
201.962.5158

July 19, 2020

Mr. Christian Catania, Code Enforcement Officer
Office of Building, Zoning, Planning, Administration & Enforcement
Town of Orangetown
20 Greenbush Rd, Orangeburg, NY 10962

Dear Mr. Catania,

Included in this packet, please find my filled out Home Occupancy Permit as well as all of the supporting documents and fees requested.

- (2) Site plan showing the location and number of parking spaces
- (2) Floor plans of studio w/square footage
- (2) Checks to "Town of Orangetown" \$20 - residential database fee & \$100 permit fee

Below is my summary of the proposed use including additional details for your consideration.

Proposed Use: Airbrush Tanning Artist (similar to Make-up Artist but we don't touch people). We airbrush cosmetic bronzer on clients to make them look tan.

- NY doesn't require a license or certification. However, I'm well trained and have been doing this 10+ years.
- Registered with the County Clerk's Office under Body & Sol Bronzing.
- LLC under Body & Sol (pending publish).
- Product is Organic / Eco-Certified with minimal to no overspray.
- By appointment only. 15 minute session.
- Mostly a seasonal business (March - Sept), event based (vacations, parties, etc.).
- Covid-19 compliant, but as you can imagine the business is almost non-existent this season.

Location: 144 Howard Ave, Tappan, NY 10983

- Entrance: On left side of the house, directly off driveway
- Square Feet: ~325 out of 4,500
- Parking Spots: 10 - 12
- Ground level with 2 windows and 2 exits
- No construction or renovations needed
- No outdoor signage
- No outdoor storage
- Zero outdoor footprint

If any additional information is needed, please let me know and I'll do my best to supply in a timely manner.

Respectfully,

Toni Balaguer

144 Howard Ave, Tappan, NY 10983

tonilee07@gmail.com

201-962-5158

TAX LOT: 7417-3-1
REFERENCE

BEING KNOWN AS LOT 197, BLOCK 9, ON A CERTAIN
MAP ENTITLED 'PREL PARK' FILED IN THE ROCKLAND
COUNTY CLERK'S OFFICE ON 8/12/1965 IN BOOK 70,
AT PAGE 23 AS FILED MAP #3373

L. 1007 P. 985
L. 2001 P. 39360
L. 1999 P. 27893
L. 257 P. 547
L. 2002 P. 42000

7417-2-11
NPT SUN & YANG
L. 2002 P. 42000

7417-2-10
NPT BAYVILANO
L. 1007 P. 985

BLOCK 9
LOT 104
PM #5375

BLOCK 9
LOT
PM #5375

199
7417-3-72
NPT RUS50
L. 257 P. 547

BLOCK 9
LOT
PM #5375

198-3-3
NPT SCIBWITZ
L. 1999 P. 27893

BLOCK 9
LOT
PM #5375

196
7417-3-1
NPT #31
L. 2001 P. 39360

BLOCK 9
LOT
PM #5375

161.76' ACT.
181.74' MAP

#144
BI-LEVEL
FRAME
DWELLING

FRAME
SLAB
BLOCK
9.3' N

CONC
PAD
W/ JACUZZI

CONC
STEP

CONC
LST E

CONC
CURB

CONC
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CONC
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CURB

CONC
CURB

AREA-23015 SQFT.

IN GROUND
POOL

WOOD
BRIDGE

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BRIDGE

HOWARD AVENUE (50' R.O.W.)

R=220.00'
L=88.06'

88.67'

121.92'

121.92'

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RECEIVED
NOV 13 2009
BLOCK DEPT
TOWN OF ORANGETOWN

SURVEY FOR

GENTILE

LOCATED IN
TAPPAN

TOWN OF ORANGETOWN
ROCKLAND COUNTY, NEW YORK

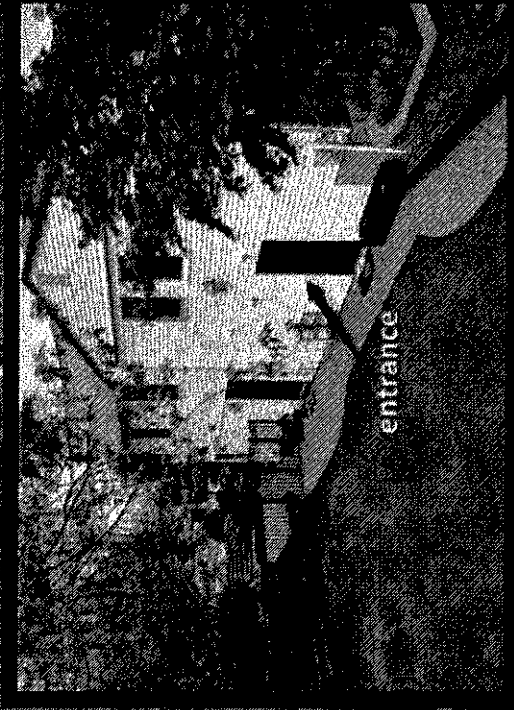
WILLIAM D. YOUNGBLOOD
LAND SURVEYING, P.C.
SURVEYORS AND LAND PLANNERS

384 ROUTE 69
MONTICELLO, NY 10952
TEL: (843) 357-8898
FAX: (843) 357-8144
YOUNGBLOODSURVEYING@YAL.POC.COM

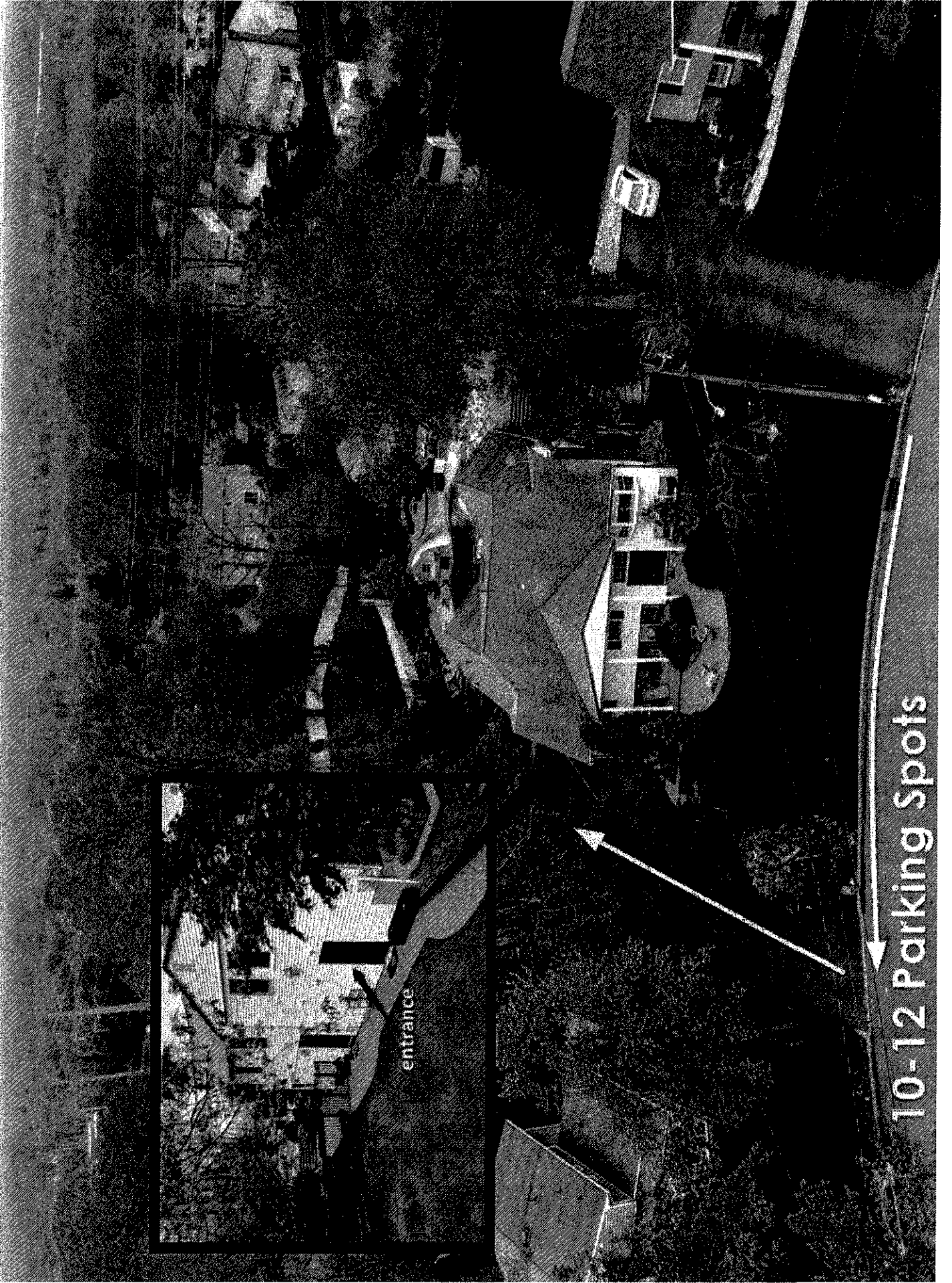
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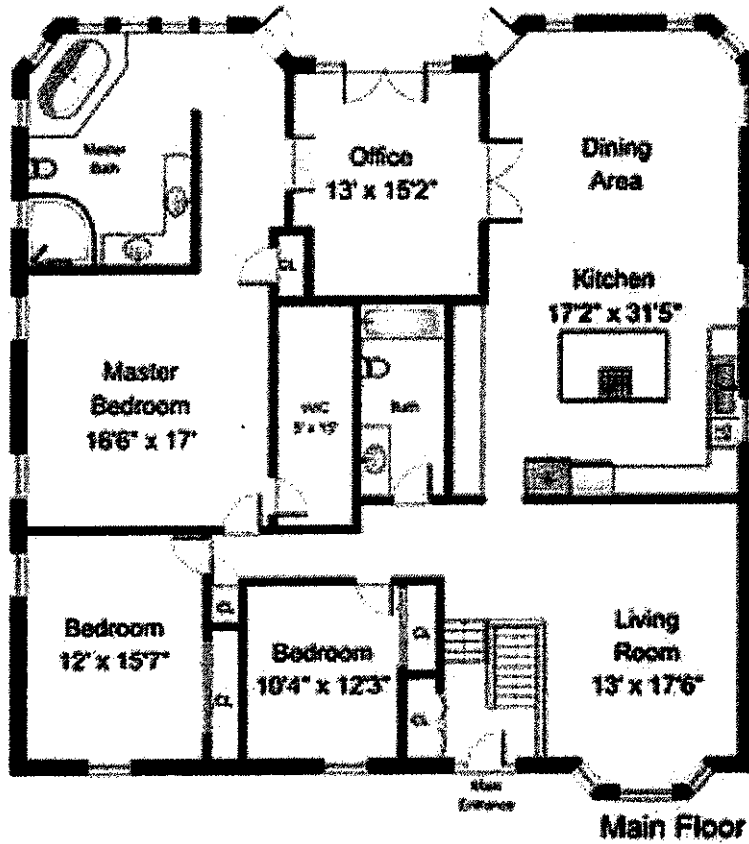
WILLIAM D. YOUNGBLOOD, L.S. # 50466 ©

DATE	7041
SCALE	1"=20'
SHEET	1
APRIL 29, 2006	

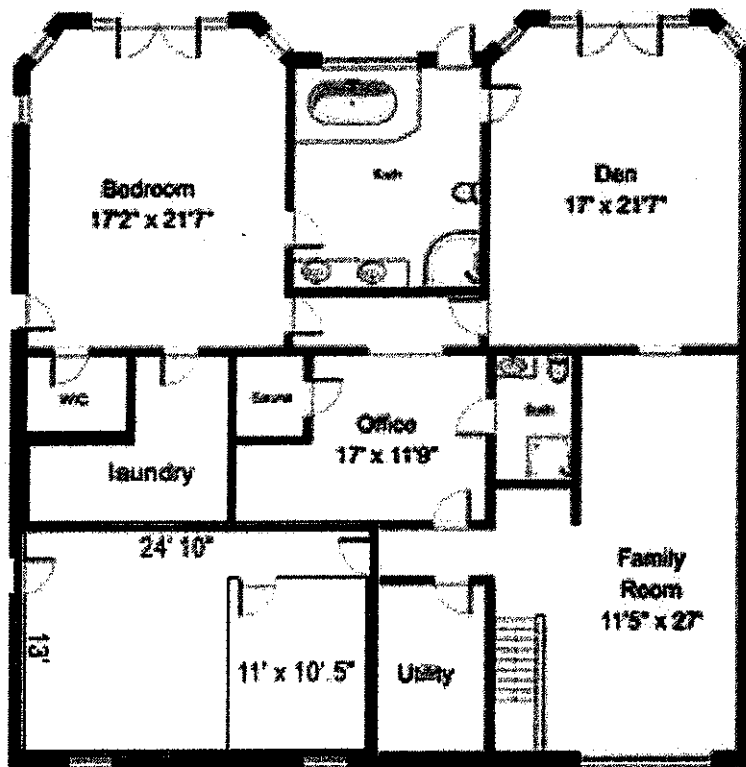


10-12 Parking Spots





Main Floor



Lower Level

Total Sq Ft: ~325
 24'10" x 13'

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 THE INFORMATION IS CONSIDERED RELIABLE, BUT NOT GUARANTEED AS ACCURATE OR COMPLETE.