

**Meeting of May 8, 2019
Town of Orangetown Planning Board**

MEMBERS PRESENT: Thomas Warren, Chairman
William Young, Vice-Chairman Blythe Yost
Michael Mandel Robert Dell
Mike McCrory Stephen Sweeney
Bruce Bond

MEMBERS ABSENT: None

ALSO PRESENT: Rick Oliver, Deputy Building Inspector, Office of Building, Zoning, Planning Administration and Enforcement; Rick Pakola, Deputy Town Attorney; Ann Marie Ambrose, Stenographer and Cheryl Coopersmith, Chief Clerk Boards and Commissions

Thomas Warren, Chairman, called the meeting to order at 7:30 p.m.
Mr. Warren read the agenda. Hearings as listed on this meeting's agenda which are made a part of these minutes were held as noted below:

Karaya Site Plan **PB#19-25**
Critical Environmental Area **Continued: Revise Plans**
Prepreliminary/ Preliminary/
Final Site Plan and SEQRA Review
1071 Route 9W, Nyack
71.09/1/10; R-22 zoning district

The Club West at Pearl River **PB #19-26**
Phase II Site Plan **Continued to the**
Prepreliminary/Preliminary Site Plan **May 22, 2019 Planning**
and SEQRA Review **Board Meeting**
661 West Blue Hill Road, Pearl River
73.10/1/5; OP-PAC zoning district

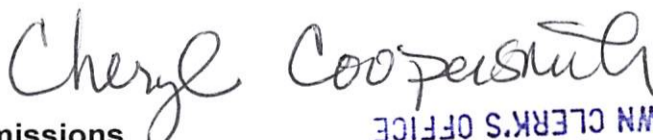
The Saloon – Use of Roof Top Bar **PB #19-27**
Request for an Extension in Time **One Year Extension**
per PB#17-03, Condition #4, **with Conditions**
dated January 11, 2017
49 West Central Avenue, Pearl River
68.16/1/9; CC zoning district

Continued Item from April 12, 2017
Pearlcrest Estates Subdivision Plan **PB #17-17**
Prepreliminary/ Preliminary **Continued: Revise Plans**
Subdivision Plan and SEQRA Review
149 & 165 South Main Street, Pearl River
72.08/1/7 & 68.20/5/70; RG zoning district

Since there was no further business to come before the Board, a motion to adjourn the meeting was made by Blythe Yost and seconded by Stephen Sweeney and agreed to by all in attendance. The meeting was adjourned at 10:50 p.m. The next Planning Board meeting is scheduled for May 22, 2019.

DATED: May 8, 2019

Cheryl Coopersmith
Chief Clerk Boards and Commissions


TOWN CLERK'S OFFICE
2019 MAY 24 A 10:07
TOWN OF ORANGETOWN

PB #19-27: The Saloon Roof Plan
Extension in Time to Use Approved for One Year
Town of Orangetown Planning Board Decision
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Permit #45024

**TO: Bridget Killen, 45-49 West Central Avenue, Pearl River,
New York**
FROM: Orangetown Planning Board

RE: The Saloon Roof Top Plan: The application of Bridget Killen, owner, for an Extension in Time to Use the Roof Top per PB#17-03, condition #4, at a site known as “**The Saloon Roof Top Plan**”, in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21A of the Code of the Town of Orangetown. The site is located at 45-49 West Central Avenue, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 68.16, Block 1, Lot 9 in the CC zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, May 8, 2019** at which time the Board made the following determinations:

Bridget Killen, Shawn Casey and Donald Brenner appeared and testified. The Board received the following communications:

1. A Project Review Report dated May 1, 2019.
2. An Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, R.A., AIA, Director, dated May 3, 2019.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., received May 6, 2019.
4. A copy of PB #17- 03, dated January 11, 2017, Final Approval Subject to Conditions.
5. Correspondence from area residents opposing the Roof Top use of The Saloon, located at 49 W. Central Avenue, Pearl River: Marisa Cabrera, Fernando Cabrera, Laurie Kalinoski, Mike Ziembo, Margaret Dolan, Timothy Flood, Michele Schonberg, Robert Filosa, Richard Hogan, Joseph Shannon and Andrew Arno.
6. An Interdepartmental memorandum from the Orangetown Police Department, prepared by Sgt. Joseph Sullivan, dated May 4, 2019.
7. Copy of Drawing BD4: Proposed Exterior Elevations, dated March 11, 2018 prepared by Barbara Marks, Architect.

The Board reviewed the plan. The meeting was then open to the public.

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Public Comment:

Tim Flood, 2 South Serven Street, Pearl River; presented the Board with Police Reports from the past 5 months, noting disturbances at the site. He held that the whole demeanor of the bar changed when the roof top bar opened. The noise coming from the roof top bar forces him to close his house windows.

Bill Hamberger, 98 South Central Avenue, Pearl River; lives across the street from St. Margaret's and noted that he does not hear any noise in his TV room, however, when in the rear of the house, noise can be heard. He agrees with the Board regarding the placement of a sound barrier on The Saloon roof. It would be nice to be able to sit in his backyard and not hear noise. Mr. Hamberger noted that it is not a personal thing, it's a noise thing.

Maureen McNulty, 170 Magnolia Street, Pearl River; stated that she was a patron of The Saloon as well as living close to the site. She noted that she has never heard noise from the site. The roof top bar at The Saloon has encouraged local artists and that Bridget and Shawn take part in civic events in the community.

Laurie Kalinoski, 85 West Washington Avenue, Pearl River; noted that she agrees with the placement of an acoustical sound barrier at the roof top bar. She held that on Friday and Saturday summer nights, the sound travels up the hill.

Oren Van Der-Have, 150 Franklin Avenue, Pearl River; held that one reason she purchased a home in Pearl River is that there is a vibrant downtown and that The Saloon is part of the community.

Frank Cabrera, 3 South Serven Street, Pearl River; noted that he is not against The Saloon, but he just wants peace and quiet.

Andrew Arno, 16 North Serven Street, Pearl River; expressed concern that the music sometimes gets very loud and echoes to the top of the hill by St. Margaret's.

Shaun McQue, 80 Brook Street, Pearl River; lives a half block from the site and noted that when the roof top bar first opened, he heard music. However, now he does not hear anything. Shawn and Bridget have worked with the community.

Marisa Garilla, 3 South Serven Street, Pearl River; expressed concerns that whenever the roof top bar is open, there is noise.

Steven Fitzgerald, 39 Selina Road, Pearl River; stated Pearl River and the southern part of Rockland County need people to build up the area, Shawn and Bridget are part of the community of people building up Pearl River.

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Peter Tarsnane, 99 Parkway, Pearl River; supports Pearl River and Shawn and Bridget are wonderful people and support a lot of community efforts; like providing jobs to people. He noted that there is noise everywhere and wishes them the best.

Diane Tarsnane, 99 Parkway, Pearl River; held that she has never heard music from the rooftop.

There being no one else to be heard from the public, the Public Hearing portion of the meeting was closed. A motion was made to close the Public Hearing portion of the meeting by Michael Mandel and seconded by Blythe Yost and carried as follows: Thomas Warren – Chairman, aye; William Young, Vice-Chairman, aye; Robert Dell, aye; Michael Mandel aye; Blythe Yost, aye; Stephen Sweeney, aye and Mike McCrory, aye.

DECISION: In view of the foregoing and the testimony before the Board, the application was granted an Extension for One (1) year Subject to the Following Conditions:

1. The applicant shall perform a Sound Study targeting the neighborhoods in which noise complaints were received by the Board and return to the Planning Board in 6 months, or sooner, with an update.
2. The applicant shall explore a sound attenuation barrier or other type of sound attenuation method for the west side of the roof top bar area of the building.
3. Use of the Roof Top Bar will be similar to PB #17-03, condition #4, however with the following changes:

New Conditions:

- **The roof top bar area may remain open year round, weather permitting, with the restrictions of days and times as noted below.**
- **Use of Roof Top Bar on Thursday during the months of July and August with the same time restrictions as Friday and Saturday.**

Prior Conditions of PB#17-03 remain in effect with the exception of revised Thursday use:

- **Friday and Saturday (and Thursday in July and August):**
The Roof Top Bar and outdoor seating area shall close no later than 2:00 a.m.; No patrons shall be permitted in this area after closing. Live music or DJ music may not be played after 1:00 a.m.
- **Sunday, Monday, Tuesday, Wednesday:**
The Roof Top Bar and outdoor seating area shall close no later than 12:00 midnight; No patrons shall be permitted in this area after closing. Live music or DJ music may not be played after 11:00 p.m.

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4. The applicant shall comply with all previous and pertinent Board Decisions: PB #17- 03, dated January 11, 2017, Final Approval Subject to Conditions; ACABOR #16-53, Approved as Presented, dated September 8, 2016, ZBA #16-57, Floor Area Ratio and Building Height Variances Approved, dated July 6, 2016 and PB #16-17, Preliminary Site Plan Approval Subject to Conditions, dated April 13, 2016.

5. The above restrictions shall be in place for a period of One (1) Year from the date of the issuance of this Decision. Prior to the expiration of the one year time period, the applicant must return to the Planning Board for review and approval of conditions #1 and #2 of this decision. The review may require the applicant to curtail the above referenced hours, and/ or impose another review period. Failure of the applicant to apply for review of this condition shall be a violation of Site Plan Approval.

The foregoing Resolution was made and moved by William Young seconded by Michael Mandel and carried as follows: Thomas Warren – Chairman, aye; William Young, Vice-Chairman, aye; Michael Mandel aye; Blythe Yost, aye; Stephen Sweeney, aye; Robert Dell, aye and Mike McCrory, aye;

The Clerk to the Board is hereby authorized, directed and empowered to sign this **DECISION** and file a certified copy in the Office of the Town Clerk and the Office of the Planning Board.

Dated: May 8, 2019


**Cheryl Coopersmith, Chief Clerk Boards and Commissions
Town of Orangetown Planning Board**

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