

MINUTES
ZONING BOARD OF APPEALS
May 16, 2018

MEMBERS PRESENT: DAN SULLIVAN
PATRICIA CASTELLI
JOAN SALOMON
LEONARD FEROLDI, ALTERNATE

ABSENT: MICHAEL BOSCO
THOMAS QUINN

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

This meeting was called to order at 7: 00 P.M. by Mr. Sullivan, Chairman.
Hearings on this meeting's agenda, which are made a part of this meeting, were held as noted below:

PUBLISHED ITEMS

APPLICANTS

DECISIONS

NEW ITEMS:

DEAN'S COFFEE
39 East Central Ave.
Pearl River, NY
68.16 / 6 / 58; CS zone

PARKING VARIANCE ZBA#18-27
APPROVED WITH SPECIFIC
CONDITION

CAMP VENTURE
EMERGENCY GENERATOR
250 Route 340
Sparkill, NY
74.16 / 1 / 24.2; LO zone

APPROVED ZBA#18-28
WITH SPECIFIC CONDITIONS

HENRY KAUFMAN
CAMPGROUNDS
667 Blauvelt Road
Pearl River, NY
69.14 / 1 / 28; R-80 zone
69.10 / 2 / 21; R-80

§ 4.32(B) Camps: building, tent activity ZBA#18-29
area or recreation facility shall be less than
300' from any lot line:
87' SETBACK FOR BALL FIELD AND BH-1;
186' SETBACK FROM HB-BH-1 replaces shelter 17;
204' SETBACK FOR PLAYFIELD BH-1;
282' SETBACK FOR BIO-RETENTION AREA #1
255' SETBACK FOR MINI GOLF AREA
WITHDRAWN BY APPLICANT:
133' SETBACK FOR AQUATIC CENTER BH-1
RESTROOMS AND OFFICE AND 156' SETBACK
FOR BIO-RETENTION
CENTER #3

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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: Pearl River Campus Internal Commercial Subdivision of Space Plan –Building 205; 68.07 / 2 / 39; LI zone; and FURTHER RESOLVED, to request to be notified by the Planning Board of SEQRA proceedings, hearings, and determinations with respect to these matters.

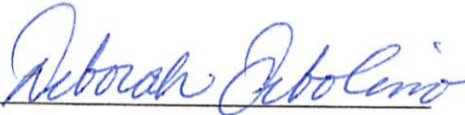
THE DECISIONS RELATED TO THE ABOVE HEARINGS are inserted herein and made part of these minutes.

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

There being no further business to come before the Board, on motion duly made, seconded and carried, the meeting was adjourned at 8:45 P.M.

Dated: May 16, 2018

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

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DECISION

§3.11, COLUMN 6 # 5 PARKING SPACE VARIANCE APPROVED WITH THE SPECIFIC CONDITION THAT THE APPLICANT SUBMIT A PARKING PLAN SHOWING ALL 24 PARKING SPACES CLEARLY MARKED

To: Salmira Gacevic
191 Liberty Road
Tappan, New York 10983

ZBA #18-27
Date: May 16, 2018
Permit # 47138

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#18-27: Application of Dean's Coffee for a variance from Zoning Code (Chapter 43) of the Town of Orangetown Code, CS District, Section 3.11, Column 6 # 5 (Restaurants, bars 1 parking space per 100 sq. ft. gross floor area: 27 spaces required, 24 spaces existing) for a new coffee house. The premises are located at 39 East Central Avenue, Pearl River, New York and are identified on the Orangetown Tax Map as Section 68.16, Block 6, Lot 58; in the CS zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, May 16, 2018 at which time the Board made the determination hereinafter set forth.

Samy Cecunjanin and Salmira Gacevic appeared and testified.

The following documents were presented:

1. Copy of survey for tax lot 68.16 / 6 / 58 dated 10/27/2005 signed and sealed by Robert R. Rahnefeld, PLS.
2. Architectural plans dated March 22, 2018 signed and sealed by Kier. B. Levesque, R.A., A-2 :Haley Building, A-1:Dean's Coffee Company, 2nd A-2: Dean's Coffee Company.
3. A letter dated April 20, 2018 from the Rockland County Highway Department signed by Dyan Rajasingham, Engineer III.
4. A letter dated May 3, 2018 from the County of Rockland Department of Planning signed by Douglas J. Schuetz, Acting Commissioner of Planning.

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

Salmira Gacevic testified that the proposal is for a coffee shop that seats 13 people and has no kitchen; that all of the food would be outsourced; that at the most there would be 15 people in the space at one time because she and her son would be working there.

Samy Cecunjanin testified that there is a lot of parking in the area and submitted pictures of the available parking during the day in the immediate area; and that he would ask the landlord for the layout for the 24 parking spaces.

Public Comment:

No public comment.

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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 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) (7); which does not require SEQRA environmental review. The motion was seconded by Ms. Castelli and carried as follows: Mr. Feroldi, aye; Ms. Castelli, aye; Ms. Salomon; and Mr. Sullivan, aye. Mr. Quinn and Mr. Bosco were absent.

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 parking space variance will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The applicant showed the Board pictures of the area and there were many empty parking spaces in the lot and along the streets. The applicant has agreed to submit a parking plan that shows the existing 24 parking spaces for the building.
2. The requested parking space variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The applicant showed the Board pictures of the area and there were many empty parking spaces in the lot and along the streets. The applicant has agreed to submit a parking plan that shows the existing 24 parking spaces for the building.
3. The benefits sought by the applicant cannot be achieved by other means feasible for the applicant to pursue other than by obtaining variances.

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4. The requested parking space variance, although somewhat substantial, afford benefits to the applicant that are not outweighed by the detriment, if any, to the health, safety and welfare of the surrounding neighborhood or nearby community. The applicant showed the Board pictures of the area and there were many empty parking spaces in the lot and along the streets. The applicant has agreed to submit a parking plan that shows the existing 24 parking spaces for the building.
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 parking space variance is **APPROVED** with the **SPECIFIC CONDITION** that the applicant submit a parking plan showing the existing 24 parking spaces that are available for the building; 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.

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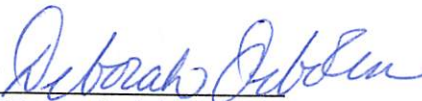
(v) Any foregoing variance or Special Permit will lapse if any contemplated construction of the project or any use for which the variance or Special Permit is granted is not substantially implemented within one year of the date of filing of this decision or that of any other board of the Town of Orangetown 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 parking space variance is APPROVED with the SPECIFIC CONDITION that the applicant submit a parking plan showing the existing 24 parking spaces that are available for the building; was presented and moved by Ms. Sullivan, seconded by Ms. Castelli and carried as follows: Mr. Sullivan, aye; Ms. Salomon, Mr. Feroldi, aye; and Ms. Castelli, aye. Mr. Bosco and Mr. Quinn 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: May 16, 2018

ZONING BOARD OF APPEALS
TOWN OF ORANGETOWN

By 
Deborah Arbolino
Administrative Aide

DISTRIBUTION:

APPLICANT
ZBA MEMBERS
SUPERVISOR
TOWN BOARD MEMBERS
TOWN ATTORNEY
DEPUTY TOWN ATTORNEY
OBZPAE
BUILDING INSPECTOR-R.A.O.

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

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DECISION

CONFORMANCE TO PERFORMANCE STANDARDS APPROVED

To: Dan Murphy (Kathleen Lukens Generator)
8 Peary Drive
Sussex, New Jersey 07461

ZBA #18- 28
Date: May 16, 2018
Permit # 46141

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#18:28: Application of Camp Venture Kathleen Lukens Living Center requesting the Zoning Board of Appeals' review, and determination, of conformance with the Town of Orangetown Zoning Code (Orangetown Code Chapter 43) Section 4.1 Performance Standards review for the installation of an emergency generator. The premises are located at 250 Route 340, Sparkill, New York and are identified on the Orangetown Tax Map as Section 74.16, Block 1, Lot 24.2; in the LO zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, May 16, 2018 at which time the Board made the determination hereinafter set forth.

Dan Murphy appeared and testified.

The following documents were presented:

1. As-built Survey for Venture Independent Living dated November 13, 1997 by Caruso & Horowitz Associates, P.C.
2. Two google earth pictures of the site.
3. Section 16000-General Provisions Electric (2 pages), Section 15194-Fuel Gas Piping (1 page), Standby Power Generator and Revised Panel Notes (2pages) Kohler Co. 80 Model plans (3 pages), Kohler Power Systems Industrial Generator Set Accessories (2pages), Kohler Power Systems Model 80REZGD (4pages).
4. Use Subject to Performance Standards Resume of Operations and Equipment dated April 11, 2018.
5. Fire Prevention Supplement.
6. A letter dated April 25, 2018 from Joseph J. Moran, P.E., Department of Environmental Management and Engineering, Town of Orangetown.
7. A memorandum dated April 17, 2018 from the Town of Orangetown Bureau of Fire Prevention from Michael B. Bettmann, Chief Fire Inspector.
8. A letter dated March 16, 2018 from the County of Rockland Highway Department signed by Dyan Rajasingham, Engineer III.
9. A letter dated May 1, 2018 from the Rockland County Department of Planning signed by Douglas J. Schuetz, Acting Commissioner of Planning.

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

Mr. Sullivan moved for a Board determination, based upon the testimony heard by this Board and the facts as presented in the application submissions and in the record, that since the application entails the ZBA engaging in a review to determine compliance with technical requirements the application is a Type II action exempt from the State Environmental Quality Review Act (SEQRA), pursuant to SEQRA Regulations §617.5 (c) (28); which does not require SEQRA environmental review. The motion was seconded by Ms. Castelli and carried as follows: Mr. Feroldi, aye; Ms. Castelli, aye; Ms. Salomon, aye; and Mr. Sullivan, aye. Mr. Quinn and Mr. Bosco were absent.

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Dan Murphy, Project Manager for Camp Venture, testified that the emergency generator is 11' x 4' and will run the elevators, lights and hot water during a power outage; that there are 22 people living in the facility; that the generator is fueled by natural gas; that it is in a sound enclosure and there will be a weekly start up and it will run for 12 minutes.

Public Comment:

No Public comment.

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 Ms. Castelli and carried unanimously.

FINDINGS OF FACT AND CONCLUSIONS:

After personal observation of the property, hearing all the testimony and reviewing all of the documents submitted, the Board found and concluded that:

Based upon the information contained in the applicant's Resume of Operations and Equipment and the Fire Prevention Supplement; the report dated April 25, 2018 from Joseph J. Moran, P.E., Commissioner of the Orangetown Department of Environmental Management and Engineering (D.E.M.E.); the report dated April 17, 2018 from Michael B. Bettmann, Chief Fire Inspector, Town of Orangetown Bureau of Fire Prevention (B.F.P.); and the report dated May 1, 2018 from Douglas Schuetz, Acting Commissioner of Planning, Rockland County Department of Planning; 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., and 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 a rear yard setback variance and Performance Standards Conformance, pursuant to Zoning Code § 4.1, is **APPROVED** with the following **SPECIFIC CONDITIONS:** (1) the report dated April 25, 2018 from Joseph J. Moran, P.E., Commissioner of the Orangetown Department of Environmental Management and Engineering (D.E.M.E.); (2) the report dated April 17, 2018 from Michael B. Bettmann, Chief Fire Inspector, Town of Orangetown Bureau of Fire Prevention (B.F.P.); and the report dated May 1, 2018 by Douglas J. Schuetz, Acting Commissioner of Planning, Rockland County Department of Planning; shall be complied with; **AND FURTHER RESOLVED**, that such decision and the vote thereon shall become effective and be deemed rendered on the date of adoption by the Board of the minutes of which they are a part.

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General Conditions:

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

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

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

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

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

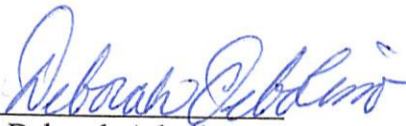
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The foregoing Resolution, to approve the application for the rear yard setback variance and requested conformance to Performance Standards with the following conditions: (1) the report dated April 25, 2018 from Joseph J. Moran, P.E., Commissioner of the Orangetown Department of Environmental Management and Engineering (D.E.M.E.); (2) the report dated April 17, 2018 from Michael B. Bettmann, Chief Fire Inspector, Town of Orangetown Bureau of Fire Prevention (B.F.P.); and (3) the report dated May 1, 2018 from Douglas J. Schuetz, acting Commissioner of Planning, Rockland County Department of Planning; shall be complied with; was presented and moved by Mr. Sullivan, seconded by Ms. Salomon and carried as follows: Mr. Feroldi, aye; Ms. Castelli, aye; Mr. Sullivan, aye; and Ms. Salomon, aye. Mr. Quinn and Mr. Bosco 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: May 16, 2018

ZONING BOARD OF APPEALS
TOWN OF ORANGETOWN

By 
Deborah Arbolino
Administrative Aide

DISTRIBUTION:

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

TOWN CLERK
HIGHWAY DEPARTMENT
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MGMT. and ENGINEERING
FILE,ZBA, PB
CHAIRMAN, ZBA, PB, ACABOR

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DECISION

133' SETBACK FOR AQUATIC CENTER BH-1, RESTROOMS AND OFFICE AND 156' SETBACK FOR BIO-RETENTION AREA #3 WITHDRAWN BY APPLICANT

SECTION 4.32(B) VARIANCES:

**255' SETBACK FOR MINI GOLF,
87' SETBACK FOR BALLFIELD BH-1,
186' SETBACK FOR HB-BH-1 TO REPLACE SHELTER 17,
204' SETBACK FOR PLAYFIELD BH-1,
280' SETBACK FOR BIO-RETENTION AREA #2,
292' SETBACK FOR BIO-RETENTION AREA # 1**

APPROVED WITH THE SPECIFIC CONDITION THAT THE BALL FIELDS DO NOT HAVE LIGHTS

To: Donald Brenner (Henry Kaufmann)
4 Independence Avenue
Tappan, New York 10983

ZBA #18-29
Date: May 16, 2018
Permit # 46910

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#18-29: Application of Henry Kaufmann Campgrounds for variances from Zoning Code (Chapter 43) of the Town of Orangetown Code, R-80 District, Section 4.32 (B) Camps: (no building, tent, activity area or recreation facility shall be less than 300 feet from any lot line: 87' setback proposed for Ballfield and BH-1; 186' setback proposed from HB-BH-1 replaces shelter 17; 133' setback proposed for Aquatic Center BH-1 restrooms and office; 204' setback proposed for Playfield BH-1; 292' setback proposed to Bio-retention area #1; 280' setback proposed to Bio-retention area # 2; 156' setback proposed to Bio-retention area #3) **and 255' setback for mini golf**; at an existing campground (Bronx House). Henry Kaufmann Campground is located at 667 Blauvelt Road, Pearl River, New York and is identified on the Orangetown Tax Map as Section 69.14, Block 1, Lot 28 and Section 69.10, Block 2, Lot 21 in the R-80 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, May 16, 2018 at which time the Board made the determination hereinafter set forth.

Donald Brenner, Attorney, Kevin Curran, representing UJA, and Troy Wojciekofsky, PE. appeared and testified.

The following documents were presented:

1. Site Plan Bronx House Site Area dated 01/29/2018 with the latest revision date of 03/12/2018 signed and sealed by Troy A. Wojciekofsky, PE. (3 pages).
2. Pictures and plans not signed or sealed by Domokur Architects labeled Henry Kaufmann Camps/ Pearl River dated August 24, 2017: 1st page: Homepage-Bronx House; 2nd page: Aquatic Center-Bronx House, 3rd page: Aquatic Center/Restroom& Life Guard Station.
3. A letter dated May 1, 2018 from the County of Rockland Department of Planning signed by Douglas J. Schuetz, Acting Commissioner of Planning.
4. A letter dated April 19, 2018 from the Rockland County Health Department signed by Elizabeth Mello, P.E.
5. A letter dated April 1, 2018 from the Rockland County Highway Department signed by Dyan Rajasingham, Engineer III.

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6. A letter dated April 26, 2018 from the Rockland County Sewer District #1 signed by Joseph LaFiandra, Engineer II.

On advice of Denise Sullivan, Deputy Town Attorney, counsel to the Zoning Board of Appeals, Mr. Sullivan 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 February 28, 2018 rendered environmental determinations of no significant adverse environmental impacts to 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 Ms. Castelli and carried as follows: Ms. Salomon, aye; Mr. Feroldi, aye; Ms. Castelli, aye; and Mr. Sullivan, aye. Mr. Bosco and Mr. Quinn were absent.

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

Donald Brenner, Attorney, testified that the camp was built in the 1850's; that they would like to upgrade their facilities; that they are not increasing the population of the camp; that they have been before the Planning Board and received a preliminary approval and a neg dec on February 28, 2018; that the application before the Board tonight is only for a portion of the campgrounds and is considered Phase I called the Bronx House area; that this area serves about a quarter of the area; that it is located on the left side of the creek and has been designed around the creek and wetlands; that the Sickletown Road area has had serious water problems since Manhattan Woods was built; that the development of that area put additional water problems on the camp ground property and the creek; that they are planning to capture water to relief that problem as they move forward with the camp improvements; that nothing be done in this area of the Bronx House is going to effect the Sickletown area; that this phase will not increase water and the next phase will relieve some of these conditions; that the camp does have a PA system and they will try to work with the neighbors regarding volumes; that there will not be any lights on the ball fields; that the camp will be used only Monday to Friday during camp hours; and that they do not have a construction plan yet because they do not have approval yet; that there will not be heavy equipment brought in for these improvements; and that the benefit cannot be achieved by other means because of the wet lands on the property; that these improvements to the camp will not cause an undesirable change in the neighborhood character or to nearby properties; and that the changes are not substantial.

Troy Wojciekofsky, P.E., testified that this area of the camp is the northwest corner of the camp grounds that they are proposing four facilities within the buffer and two upgrades or replacements; that the home base pavilion is being removed and replaced with a new architecturally pleasing open space building that will have restrooms and a changing area; that the existing pictures show the flat roof structure as compared to the new more design; that the wetlands snake thru out the area and one existing non-conforming building is being removed; that the soccer field is getting improved ; that the new aquatic center will be self-contained for

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the Bronx House; that baseball field is new and some trees in the buffer will be removed; that the stormwater features will mitigate stormwater increases; that they worked hard to locate the facilities outside the wetlands; that the new baseball field will be smaller than little league size; that there will be a fence for the backstop and some low dugouts; that the bio-retention area will take water from the roof leaders and gutters and it will go through perks and soil medium and be discharged into the stream per DEC requirements; that the Baseball Field backs up to Cara Drive; and the mini golf is on turf and it is within the 300' buffer; that it is setback 250'.

Kevin Curran representing the owner of UJA, testified that they are not sure if they are installing one 2,000 sq. ft. pool or two smaller pools; that the baseball field area is not heavily programmed; that it is probably used about six hours a day starting at 10:00A.M.; that there are four camping agencies that use the property; that they are proposing to make each facility self-contained instead of sharing one pool for all of the camps; and that they will withdraw the aquatic center and bio retention area #3 until they decide exactly what they are proposing.

Public Comment:

Mike Shine, 601 Blauvelt Road, Pearl River, testified that he has concerns about building pavilions in the 300' buffer because of noise; that the camps already use PA system and from the middle of the camp grounds they are loud; if they are close than the 300' buffer the noise would be a major concern.

Kevin McCormack, 83 Sickletown Road, Orangeburg, testified that he has lived in house for ten years; that he is happy that the campground is remaining a campground; that they have responsive to the neighbors' concerns about idling buses; that his concern is with flooding and removal of more trees in the buffer that he will have more water runoff and more water in his basement; that the last heavy rains in April he had seven sump pumps going in his basement; that the thinned out buffer zone also means more noise; that the parking area was expanded several times; that he would like to know what structures currently exist in the buffer and what survey they are working off of because it seems several were done; and that if these variances are granted to allow building within the 300' buffer what happens when they want the same for the rest of the camp grounds?

Robert Beers, 81 Sickletown Road, testified that he has lived in his house for forty years and for the last thirty years the water problems keep getting progressively worse; that they have dealt with various agencies and last month the run-off was magnified running through several properties; that there is no set plan to deal with the water issues and they need to have a plan to get rid of the water problems.

Beth Siciliano, 26 McKinley Street, Pearl River, testified that she likes having the campground remain a campground but would like to know where they plan to stage the construction equipment and where they are entering the grounds.

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Donald Brenner, Attorney, testified that there has been serious water problems on Sickletown Road ever since Manhattan Woods was built; that they are trying to fix this; that they are working with to capture the water to relief the problem and they need to go back to the Planning Board for this; that there is nothing in terms of this area that will effect the Sickletown Road area; that his phase won't increase the water and the next phase of development will address these concerns and some relief will be available for Sickletown Road; that the PA system can be lowered to satisfy the neighbors noise concerns and there will be no lights on the fields and this are will not be used after regular camp hours.

Troy Wojciekofsky, P.E., testified that the Nauraushaun Brook runs through the camp and the proposed bio retention areas will treat the water and return it to the Brook as required by the DEC; that they were is violation for 12 sheds that were installed without permits; and that the mini golf area is within the buffer with a 250' set back.

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 Section 4.32 (B) Camps: (no building, tent, activity area or recreation facility shall be less than 300 feet from any lot line: 87' setback proposed for Ballfield and BH-1; 186' setback proposed from HB-BH-1 replaces shelter 17; 204' setback proposed for Playfield BH-1; 292' setback proposed to Bio-retention area #1; 280' setback proposed to Bio-retention area # 2; **255' set -back for the proposed mini golf area**; variances will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. **The applicant has withdrawn the request for the 133' setback proposed for Aquatic Center BH-1 restrooms and office and the 156' setback proposed to Bio-retention area #3.**

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2. The requested Section 4.32 (B) Camps: (no building, tent, activity area or recreation facility shall be less than 300 feet from any lot line: 87' setback proposed for Ballfield and BH-1; 186' setback proposed from HB-BH-1 replaces shelter 17; 204' setback proposed for Playfield BH-1; 292' setback proposed to Bio-retention area #1; 280' setback proposed to Bio-retention area # 2; **255' set -back for the proposed mini golf area**; will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. **The applicant has withdrawn the request for the 133' setback proposed for Aquatic Center BH-1 restrooms and office and the 156' setback proposed to Bio-retention area #3.**
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 Section 4.32 (B) Camps: (no building, tent, activity area or recreation facility shall be less than 300 feet from any lot line: 87' setback proposed for Ballfield and BH-1; 186' setback proposed from HB-BH-1 replaces shelter 17; 204' setback proposed for Playfield BH-1; 292' setback proposed to Bio-retention area #1; 280' setback proposed to Bio-retention area # 2; **255' set -back for the proposed mini golf area**; variances although somewhat substantial, afford benefits to the applicant that are not outweighed by the detriment, if any, to the health, safety and welfare of the surrounding neighborhood or nearby community. **The applicant has withdrawn the request for the 133' setback proposed for Aquatic Center BH-1 restrooms and office and the 156' setback proposed to Bio-retention area #3.**
5. The applicant purchased the property subject to Orangetown's Zoning Code (Chapter 43) and is proposing a new addition and/or improvements, so the alleged difficulty was self-created, which consideration was relevant to the decision of the Board of Appeals, but did not, by itself, preclude the granting of the area variances.

DECISION: In view of the foregoing and the testimony and documents presented, the Board RESOLVED that the application for the requested Section 4.32 (B) Camps: (no building, tent, activity area or recreation facility shall be less than 300 feet from any lot line: 87' setback proposed for Ballfield and BH-1; 186' setback proposed from HB-BH-1 replaces shelter 17; 204' setback proposed for Playfield BH-1; 292' setback proposed to Bio-retention area #1; 280' setback proposed to Bio-retention area # 2; **255' setback to the mini golf area**; variances are APPROVED; **The applicant withdrew the requested 133' setback proposed for Aquatic Center BH-1 restrooms and office and the 156' setback proposed to Bio-retention area #3**; 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.

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General Conditions:

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

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

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

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

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

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Permit #46910

The foregoing resolution to approve the application for the requested Section 4.32 (B) Camps: (no building, tent, activity area or recreation facility shall be less than 300 feet from any lot line: 87' setback proposed for Ballfield and BH-1; 186' setback proposed from HB-BH-1 replaces shelter 17; **255' setback to the mini golf area**; 204' setback proposed for Playfield BH-1; 292' setback proposed to Bio-retention area #1; 280' setback proposed to Bio-retention area # 2; variances are APPROVED; was presented and moved by Ms. Castelli, seconded by Ms. Salomon and carried as follows: Mr. Feroldi, aye; Mr. Sullivan, aye; Ms. Salomon, aye; and Ms. Castelli, aye. Mr. Quinn and Mr. Bosco were absent. **The applicant withdrew the requested 133' setback proposed for Aquatic Center BH-1 restrooms and office; and the 156' setback proposed to Bio-retention area #3.**

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: May 16, 2018

ZONING BOARD OF APPEALS
TOWN OF ORANGETOWN

By 
Deborah Arbolino
Administrative Aide

DISTRIBUTION:

APPLICANT
ZBA MEMBERS
SUPERVISOR
TOWN BOARD MEMBERS
TOWN ATTORNEY
DEPUTY TOWN ATTORNEY
OBZPAE
BUILDING INSPECTOR-Not Assigned

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

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