

MINUTES
ZONING BOARD OF APPEALS
NOVEMBER 20, 2018

MEMBERS PRESENT:

DAN SULLIVAN
THOMAS QUINN
JOAN SALOMON
PATRICIA CASTELLI,
LEONARD FEROLDI, ALTERNATE

ABSENT:

MICHAEL BOSCO

ALSO PRESENT:

Ann Marie Ambrose,
Deborah Arbolino,
Denise Sullivan,

Official Stenographer
Administrative Aide
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:

GOLLUB 73 Eimer Street Tappan, NY 77.08 / 1 / 39; R-15 zone	CONTINUED	ZBA# 18-84
IRON MOUNTAIN EMERGENCY GENERATOR PERFORMANCE STANDARDS 10 Glenshaw Avenue Orangeburg, NY 70.18 / 2 / 16; LI zone	APPROVED	ZBA#18-85
DIVERSIFIED GLASS AND STOREFRONTS PERFORMANCE STANDARDS One Olympic Drive Orangeburg, NY 73.15/ 1 / 16; LIO zone	APPROVED	ZBA#18-86
BLOOMBERG LP HELIPAD 40 Corporate Drive Orangeburg, NY 73.19 / 1 / 1; LIO zone	WITHDRAWN	ZBA#18-87

TOWN OF ORANGETOWN
2018 NOV 30 P 2:22
TOWN CLERK'S OFFICE

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: New York City Football Site Plan amendment to Filed Plan, 280 Old Orangeburg Road, Orangeburg, NY, 73.12 / 1 / 3.2; RPC-R zoning district; and FURTHER RESOLVED, to request to be notified by the Planning Board of SEQRA proceedings, hearings, and determinations with respect to these matters.

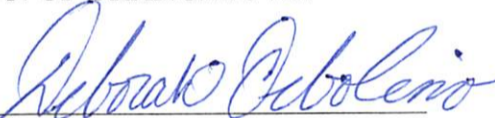
THE DECISIONS RELATED TO THE ABOVE HEARINGS are inserted herein and made part of these minutes.

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 8:20 P.M.

Dated: November 20, 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

TOWN OF ORANGETOWN
2018 NOV 30 P 2:22
TOWN CLERK'S OFFICE

DECISION

CONFORMANCE TO PERFORMANCE STANDARDS APPROVED

To: Robert F. Lutz (Iron Mountain)
374 Greenbush Road
Blauvelt, New York 10913

ZBA #18-85
Date: November 20, 2018
Permit #48045

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA # 18-85: Application of Iron Mountain 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 an emergency generator. The property is located at 10 Glenshaw Avenue, Orangeburg, New York and are identified on the Orangetown Tax Map as Section 70.18, Block 2, Lot 16; in the LI zoning district

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, November 20, 2018 at which time the Board made the determination hereinafter set forth.

Robert Lutz, Valentine Electric estimator, appeared and testified.

The following documents were presented:

1. Plot plan by Billy D. Valentine dated 08/24/2018 based on survey by William Youngblood Associates dated May 9, 2000.
2. Plans labeled "Generator Install Iron Mountain" dated August 3, 2018 with the latest revision date of August 6, 2018 signed and sealed by Peter J. Bonnes, P.E. (5 pages)
3. Use Subject to Performance Standards Resume of Operations dated October 20, 2018.
4. Fire Prevention Supplement.
5. Diesel Generator Set Model DSHAA 60 Hz (9 pages).
6. Sound-attenuated and weather -protective enclosures (3 pages).
7. Dual wall sub-base fuel tanks (7 pages).
8. Drawing of the concrete pad.
9. Computer generated picture of the side of the building where the generator will be installed.
10. Safety Data Sheets (7 pages).
11. A letter dated October 15, 2018 signed by Eamon Reilly, P.E., Commissioner, Department of Environmental Management and Engineering, Town of Orangetown.
12. A memorandum dated November 20, 2018 from Michael Bettmann, Chief Fire Inspector, Town of Orangetown.
13. A letter dated November 15, 2018 from the Rockland County Department of Planning signed by Douglas J. Schuetz, Acting Commissioner of Planning.
14. An E-mail dated November 20, 2018 from Mike Sisson, Eagle Energy Systems stated that the generator is exempt from emissions requirements.

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

Robert Lutz testified that the 150 Kw generator has a 336 gallon diesel tank with a level 2 sound enclosure and meets all of the requirements from the DEC; that it is self-testing weekly and runs for around 20 to 30 minutes per test.

TOWN OF ORANGETOWN
NOV 20 2 22
TOWN CLERK'S OFFICE

On advice of Denise Sullivan, Deputy Town Attorney, counsel to the Zoning Board of Appeals, Mr. Sullivan moved for a Board determination, based upon the testimony heard by this Board and the facts as presented in the application submissions and in the record, that since the application entails the ZBA engaging in a review to determine compliance with technical requirements 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: Ms. Salomon, aye; Mr. Feroldi, aye; Ms. Castelli, aye; Mr. Quinn, aye and Mr. Sullivan, aye. Mr. Bosco was absent.

The Board reviewed the Performance Standards and Fire Supplement forms.

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. 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 October 15, 2018 from Eamon Reilly, P.E., Commissioner, Town of Orangetown Department of Environmental Management and Engineering (D.E.M.E.); the report dated November 20, 2018 from Michael B. Bettmann, Chief Fire Inspector, Town of Orangetown Bureau of Fire Prevention (B.F.P.); An E-mail dated November 20, 2018 from Mike Sisson, Eagle Energy Systems stated that the generator is exempt from emissions requirements; the other documents submitted to the Board, and the testimony of Applicant's representatives, the Board finds and concludes that the application conforms with the Performance Standards set forth in Zoning Code Section 4.1, subject to compliance with the orders, rules and regulations of the Orangetown Office of Building, Zoning & Planning Administration & Enforcement, D.E.M.E., B.F.P., and all other departments having jurisdiction of the premises.

TOWN OF ORANGETOWN
2018 NOV 30 P 2:22
TOWN CLERK'S OFFICE

DECISION: In view of the foregoing and the testimony and documents submitted, the Board: RESOLVED that the Application for Performance Standards Conformance, pursuant to Zoning Code § 4.1, is APPROVED with the following SPECIFIC CONDITIONS: (1) the report dated October 15, 2018 from Eamon Reilly, P.E., Commissioner, Town of Orangetown Department of Environmental Management and Engineering (D.E.M.E.); the report dated November 20, 2018 from Michael B. Bettmann, Chief Fire Inspector, Town of Orangetown Bureau of Fire Prevention (B.F.P.); An E-mail dated November 20, 2018 from Mike Sisson, Eagle Energy Systems stated that the generator is exempt from emissions requirements; 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.

General Conditions:

- (i) The approval of any variance, Performance Standards Conformance, or Special Permit is granted by the Board in accordance with and subject to those facts shown on the plans submitted and, if applicable, as amended at or prior to this hearing, as hereinabove recited or set forth.
- (ii) Any approval of a variance, Performance Standards Conformance, or Special Permit by the Board is limited to the specific variance, Performance Standards Conformance, or Special Permit requested but only to the extent such approval is granted herein and subject to those conditions, if any, upon which such approval was conditioned which are hereinbefore set forth.
- (iii) The Board gives no approval of any building plans, including, without limitation, the accuracy and structural integrity thereof, of the applicant, but same have been submitted to the Board solely for informational and verification purposes relative to any Performance Standards Conformance, variances, or Special Permit being requested.
- (iv) A building permit as well as any other necessary permits must be obtained within a reasonable period of time following the filing of this decision and prior to undertaking any construction contemplated in this decision. To the extent any variance, Performance Standards Conformance, or Special Permit granted herein is subject to any conditions, the building department shall not be obligated to issue any necessary permits where any such condition imposed should, in the sole judgment of the building department, be first complied with as contemplated hereunder. Occupancy will not be made until, and unless, a Certificate of Occupancy is issued by the Office of Building, Zoning and Planning Administration and Enforcement which legally permits such occupancy.

TOWN OF ORANGETOWN
2018 NOV 30 PM 2:22
TOWN CLERK'S OFFICE


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

The foregoing Resolution, to approve the application for the requested conformance to Performance Standards with the following conditions: (1) the report dated October 15, 2018 from Eamon Reilly, P.E., Commissioner, Orangetown Department of Environmental Management and Engineering (D.E.M.E.); the report dated November 20, 2018 from Michael B. Bettmann, Chief Fire Inspector, Town of Orangetown Bureau of Fire Prevention (B.F.P.); An E-mail dated November 20, 2018 from Mike Sisson, Eagle Energy Systems stated that the generator is exempt from emissions requirements; shall be complied with; was presented and moved by Mr. Sullivan, seconded by Mr. Quinn and carried as follows: Ms. Salomon, aye; Mr. Feroldi, aye ; Ms. Castelli, aye; Mr. Quinn, aye; and Mr. Sullivan, aye. Mr. Bosco was 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: November 20, 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
ASSESSOR
DEPT. of ENVIRONMENTAL
MGMT. and ENGINEERING
FILE,ZBA, PB
CHAIRMAN, ZBA, PB, ACABOR

TOWN CLERK'S OFFICE
2018 NOV 30 P 2:22
TOWN OF ORANGETOWN

DECISION

CONFORMANCE TO PERFORMANCE STANDARDS APPROVED

To: Patrick Benn (Diversified Glass)
225 Broadway Suite 1200
New York, New York 10007

ZBA #18-86
Date: November 20, 2018
Permit # 48192

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA # 18-86: Application of Diversified Glass and Storefronts 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 of glass and metal to be cut, formed, drilled . bent, folded and assembled to create custom glass and metal storefronts, curtain wall canopy and shower doors. The property is located at One Olympic Drive, Orangeburg, New York and are identified on the Orangetown Tax Map as Section 73.15, Block 1, Lot 16; in the LIO zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, November 20, 2018 at which time the Board made the determination hereinafter set forth.

Patrick Benn, Attorney, and John Quinn, owner, appeared and testified.

The following documents were presented:

1. Site Plan dated 12/26/1989 with the latest revision date of 01/03/1990 labeled "Rockland Corporate Park" signed and sealed by Jay A. Greenwell, L.S..
2. Floor Plans for New Diversified Building 8 Olympic Drive, Orangeburg, NY dated October 12, 2018.
3. Use Subject to Performance Standards Resume of Operations dated October 3, 2018.
4. Fire Prevention Supplement.
5. A list of all the machines used at Diversified with their spec sheets: Delta Table Saw; Do All Band Saw; FMB Band Saw; Hermal Dynamics Cutmaster; Hitachi Slide Compound Miter Saw; Hitachi Laser Saw; DeWalt Radial Arm Saw; Delta Drill; Delta Rockwell Drill; Bridgeport Manuel Milling Machine; Emmergi Milling Machine; Delatweld 602 Arc Welder; Jet Belt Grinder; Jet Belt Sander; Kalamazoo Band Saw; Northern Star Pressure Washer; Pat Mooney Auto Saw; Primline 12 ft. Sheer; Rober Whitney Inc. Pexto Power Notcher; Sampson Saw; Tennsmith Metal Folder; Ermaksan CNC Press Brake; Edwards Iron Worker; Belfric Compressor and Speedaire Air Compressor.
6. Pictures of the equipment.
7. Six pictures of the location of the generator and the building.
8. A letter dated October 19, 2018 signed by Eamon Reilly, P.E. Commissioner, Department of Environmental Management and Engineering, Town of Orangetown.
9. A memorandum dated November 20, 2018 from Michael Bettmann, Chief Fire Inspector, Town of Orangetown.
10. A letter dated November 4, 2018 from the Rockland County Department of Planning signed by Douglas J. Schuetz, Acting Commissioner of Planning.
11. A letter dated November 20, 2018 from the Rockland County Sewer District #1 signed by Joseph LaFiandra, Engineer II.

TOWN OF ORANGETOWN
2018 NOV 20 P 2:22
TOWN CLERK'S OFFICE

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

On advice of Denise Sullivan, Deputy Town Attorney, counsel to the Zoning Board of Appeals, 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: Ms. Salomon, aye; Mr. Feroldi, aye; Ms. Castelli, aye; Mr. Quinn, aye; and Mr. Sullivan, aye. Mr. Bosco was absent.

Patrick Benn, Attorney, testified that Mr. Quinn is the contract purchaser of the 16,000 sq. ft. warehouse; that they plan to assemble metal and glass for store-fronts; that they will revise the plan to show the corrections and revise the performance standards form to reflect the changes made tonight at its review.

John Quinn, owner, testified that there will be a minimal amount of welding, perhaps about a ½ hour per day during assembly; that they will install an extractor fan and identify its location on the floor plan; that they will also show the location of the milling machine.

The Board reviewed the Performance Standards and Fire Supplement forms.

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. Sullivan made a motion to close the Public Hearing which motion was seconded by Ms. Castelli and carried unanimously.

TOWN OF ORANGETOWN
2018 NOV 30 12:22
TOWN CLERK'S OFFICE

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 (1) the information contained in the applicant's Resume of Operations and Equipment, and (2) the Fire Prevention Supplement; (3) the report dated October 19, 2018 signed by Eamon Reilly, P.E., Commissioner, Town of Orangetown Department of Environmental Management and Engineering (D.E.M.E.); and (4) the report dated November 20, 2018 from Michael B. Bettmann, Chief Fire Inspector, Town of Orangetown Bureau of Fire Prevention (B.F.P.); (5) the other documents submitted to the Board, and (6) the testimony of Applicant's representatives, the Board finds and concludes that the application conforms with the Performance Standards set forth in Zoning Code Section 4.1, subject to compliance with the orders, rules and regulations of the Orangetown Office of Building, Zoning & Planning Administration & Enforcement, D.E.M.E., B.F.P., and all other departments having jurisdiction of the premises.

DECISION: In view of the foregoing and the testimony and documents submitted, the Board: **RESOLVED** that the Application for Performance Standards Conformance, pursuant to Zoning Code § 4.1, is **APPROVED** with the following **SPECIFIC CONDITIONS:** any modification contained in: (1) the report dated October 19, 2018 from Eamon Reilly, P.E., Commissioner, Town of Orangetown Department of Environmental Management and Engineering (D.E.M.E.); and (2) the report dated November 20, 2018 from Michael B. Bettmann, Chief Fire Inspector, Town of Orangetown Bureau of Fire Prevention (B.F.P.); 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.

General Conditions:

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

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

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

TOWN OF ORANGETOWN
2018 NOV 30 P 2:22
TOWN CLERK'S OFFICE

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


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

The foregoing Resolution, to approve the application for the requested conformance to Performance Standards with the following conditions: (1) the report dated October 19, 2018 from Eamon Reilly, P.E., Commissioner, Town of Orangetown Department of Environmental Management and Engineering (D.E.M.E.); and (2) the report dated November 20, 2018 from Michael B. Bettmann, Chief Fire Inspector, Town of Orangetown Bureau of Fire Prevention (B.F.P.); shall be complied with; was presented and moved by Mr. Sullivan, seconded by Ms. Castelli and carried as follows: Ms. Salomon, aye; Mr. Feroldi, aye ; Mr. Sullivan, aye; Ms. Castelli, aye; and Mr. Quinn, aye. Mr. Sullivan was 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: November 20, 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 N.A.

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

TOWN CLERK'S OFFICE
2018 NOV 30 P 2:22
TOWN OF ORANGETOWN