

MINUTES
ZONING BOARD OF APPEALS
SEPTEMBER 18, 2019

MEMBERS PRESENT: DAN SULLIVAN
THOMAS QUINN
MICHAEL BOSCO
JOAN SALOMON
PATRICIA CASTELLI,

ABSENT: LEONARD FEROLDI, ALTERNATE

ALSO PRESENT: Ann Marie Ambrose, Official Stenographer
Deborah Arbolino, Administrative Aide
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

POSTPONED ITEM:

GREATER HUDSON BANK
170 Erie Street
Blauvelt, NY
70.14 / 4 / 10; CC zone

§13.10 (B) (2) VEGETATIVE ZBA#19-81
BUFFER, § 13.10 (b)(10) PARING IN
FRONT YARD, § 3.11, COLUMN 5 #3 SIGN SIZE
AND #4 SIGN LOCATION VARIANCES APPROVED

NEW ITEMS:

GRIFFIN
31 Sunrise Lane
Pearl River, NY
69.18 / 3 / 43.2; R-15 zone

REAR YARD VARIANCE ZBA#19-83
APPROVED

CARROLL
50 Lawrence Street
Tappan, New York
77.15 / 3 / 53; R-15 zone

REAR YARD VARIANCE ZBA#19-84
APPROVED

DAY
171 Hardwood Drive
Orangeburg, NY
74.13 / 3 / 27; R-15 zone

FRONT YARD FENCE ZBA#19-85
HEIGHT VARIANCE APPROVED

AMMIRATI
5 Birch Street
Pearl River, NY
72.08 / 3 / 73; R-15 zone

FRONT YARD VARIANCES ZBA#19-86
APPROVED

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NICE PAK/PDI
PERFORMANCE STANDARDS
2 Nice Pak Park
Orangeburg, NY
74.07 / 1 / 16; LIO zone

PERFORMANCE STANDARDS
APPROVED

ZBA#19-87

SOMBROTTO
EXTENSION OF TIME
34 Clausland Mountain Road
Blauvelt, NY
70.15 / 2 / 11; R-40 zone

EXTENSION OF TIME
GRANTED FOR 18 MO.

ZBA#19-88

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: Camp Shanks- RHFH Phase II Site Plan, 335 Western Highway, Tappan, NY, 74.18 / 3 / 48; R-15 zone; 27 Greenbush Road, Orangeburg, NY, 74.11/ 1/ 12; LI zone; Rubano Re-subdivision Plan (lot merger) 1129 and 1131 Route 9W, Upper Grandview, NY 71.05/ 2/ 24 & 29; RG zone; South Orangetown Ambulance Corp., 70 Independence Avenue, Tappan, NY 74.18 / 3 / 39 & 40; R-15 zone; Gordon Grading Plan, 242 South Greenbush Road, Orangeburg, NY 70.19 / 1/ 33; R-15 zone; and FURTHER RESOLVED, to request to be notified by the Planning Board of SEQRA proceedings, hearings, and determinations with respect to these matters.

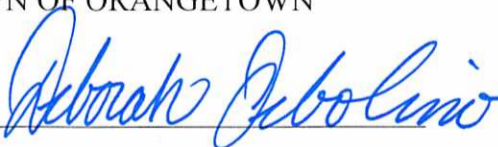
THE DECISIONS RELATED TO THE ABOVE HEARINGS are inserted herein and made part of these minutes.

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 8:35 P.M.

Dated: September 18, 2019

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

**SECTION 13.10 (B) (2), SECTION 13.10 (B) (10) & SECTION 3.11, Column 5 #3 & #5
VARIANCES APPROVED**

To: Atzl, Nasher & Zigler (Greater Hudson/Connect One Bank)
234 N. Main Street
New City, New York 10956

ZBA #19-81
Date: September 18, 2019
Permit #48116

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#19-81: Application of Greater Hudson /Connect One Bank for variances from Zoning Code (Chapter 43) of the Town of Orangetown Code, CC District, Section 13.10(B)(2) Twenty – five foot wide vegetative buffer shall be located along the property line adjacent to Route 303 right-of-way: 0' proposed) 13.10 (B)(10): (No more than 35% of all parking shall be located within the front yard of any lot or parcel: 0 permitted, 18 proposed) and from Section 3.11, Column 5, #3 (Not more than 40 sq. ft. permitted, 113.25 sq. ft. proposed) and Column 5 #4 (Location of signs: (d) sign not attached to a building shall be set back 25' from the lot line: 5' is proposed) for a site plan and signs at a bank. The premises are located at 170 Erie Street, Blauvelt, New York and are identified on the Orangetown Tax Map as Section 70.14, Block 4, Lot 10 in the CC zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, September 18, 2019 at which time the Board made the determination hereinafter set forth.

John Atzl, L.S., Dan Rifkin, property owner, and Brian Quinn, Attorney, appeared and testified.

The following documents were presented:

1. Site Development Plan labeled “ Greater Hudson Bank” dated 10/16/2018 with the latest revision date of 8/7/2019 signed and sealed by John R. Atzl, L.S., and Ryan A. Nasher, P.E.(3 pages).
2. Memorandum dated June 11, 2019 from Jane Slavin, R.A., Director, Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown.
3. Planning Board Decision # 18-47 dated June 12, 2019.
4. A letter dated August 7, 2019 from the Rockland County Department of Planning signed by Douglas J. Schuetz, Acting Commissioner of Planning.
5. A sign off sheet requesting no further correspondence from Dyan Rajasingham, Rockland County Highway Department dated August 1, 2019.
6. Two 8”x 10’ color photographs of the existing site.

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 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 this application, pursuant to coordinated review under the State Environmental Quality Review Act Regulations §617.6 (b) (3); and since the Planning Board conducted a SEQRA review and on June 12, 2019 (set forth in PB# 18-47 Greater Hudson/Connect One Bank Site

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Plan) rendered an environmental determination of **no** significant adverse environmental impacts to result from the proposed land use action (i.e., a “Negative Declaration” or “Neg. Dec”), the ZBA is bound by the Planning Board’s Neg Dec and the ZBA cannot require further SEQRA review pursuant to SEQRA Regulation § 617.6 (b)(3). The motion was seconded by Ms. Castelli and carried as follows: Ms. Castelli, aye; Ms. Salomon, aye; Mr. Bosco, aye; Mr. Quinn, aye; and Mr. Sullivan, aye.

Brian Quinn, Attorney, testified that this application is before the Board to attempt to spruce up the existing property; that it is an existing site that has had a bank on it for many years; that the new Bank would like a better traffic flow on the property and that is how they ended up before the Planning Board; that on June 12th they received a preliminary approval and a neg dec from the Planning Board; that they need variances because the existing site cannot conform to the Route 303 Overlay and they are requesting better signage because the signs on the building are not visible from Route 303 traffic flow; and that the proposed monument sign is not in the route 303 Overlay Zone but they need a variance because it is within the 25’ set-back for signs.

John Atzl, Land Surveyor, testified that they started the process last December and at the time they relocated nine (9) parking spaces that were along Route 303 to the southern portion of the pavement; that they are proposing to remove the rail road tie island that obstructs the traffic flow and the fire inspector asked that a plan be submitted that shows that all emergency vehicles can access the site and that is what they have proposed; that they must ask for parking in the front of the building in order to provide the required parking spaces; that they are proposing an 18” berm along Route 303 and they are removing a lot of impervious surface; that the monument sign is 40 sq. ft. double sided; that the existing signs on the building will remain and they measure 33.25 sq. ft.; that the total signage that they are requesting is 113.25 square feet; and the distance between the sidewalk and the curb is about 5 feet.

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 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:

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1. The requested Section 13.10 (B)(2) vegetative buffer and 13.10 (B)(10) Parking in front yard and sign location and sign size variances will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. A Bank has existed in that location for many years and this new bank is revising the traffic pattern and parking on the existing lot. The improvements to the lot are substantial and the requested variances are reasonable for the lot size. The larger sign along Route 303 (although in the Route 303 Overlay Zone required vegetative buffer) will enable traffic to flow more efficiently because cars will not be slowing down on the highway to look for the sign; it will be easily seen by passing motorists.

2. The requested Section 13.10 (B)(2) vegetative buffer and 13.10 (B)(10) Parking in front yard and sign location and sign size variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. A Bank has existed in that location for many years and this new bank is revising the traffic pattern and parking on the existing lot. The improvements to the lot are substantial and the requested variances are reasonable for the lot size. The larger sign along Route 303 (although in the Route 303 Overlay Zone required vegetative buffer) will enable traffic to flow more efficiently because cars will not be slowing down on the highway to look for the sign; it will be easily seen by passing motorists.

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 13.10 (B)(2) vegetative buffer and 13.10 (B)(10) Parking in front yard and sign location and sign size 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. A Bank has existed in that location for many years and this new bank is revising the traffic pattern and parking on the existing lot. The improvements to the lot are substantial and the requested variances are reasonable for the lot size. The larger sign along Route 303(although in the Route 303 Overlay Zone required vegetative buffer) will enable traffic to flow more efficiently because cars will not be slowing down on the highway to look for the sign; it will be easily seen by passing motorists.

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 13.10 (B)(2) vegetative buffer and 13.10 (B)(10) Parking in front yard and sign location and size variances are APPROVED and to Over-Ride the Rockland County Department of Planning's Disapproval (Letter dated August 7, 2019) because the Board is not opposed to the location or size of the proposed signs on the State Highway because passing motorists will be able to identify the location of the Bank easily without slowing down in traffic on the State Highway; 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 requested Section 13.10 (B)(2) vegetative buffer and 13.10 (B)(10) Parking in front yard and sign location and size variances are APPROVED and to Over-Ride the Rockland County Department of Planning's Disapproval (Letter dated August 7, 2019) because the Board is not opposed to the location or size of the proposed signs on the State Highway because passing motorists will be able to identify the location of the Bank easily without slowing down in traffic on the State Highway;; was presented and moved by Ms. Castelli, seconded by Ms. Salomon and carried as follows: Mr. Bosco, aye; Mr. Quinn, aye; Mr. Sullivan, aye; Ms. Salomon, aye; and Ms. Castelli, aye.

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: September 18, 2019

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-G.M.

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

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DECISION

REAR YARD VARIANCE APPROVED

To: Steven Griffin
1 Roundhouse Road
Piermont, New York 10968

ZBA #19-83
Date: September 18, 2019
Permit #47361

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA# 19-83: Application of Steven Griffin for a variance from Zoning Code (Chapter 43) of the Town of Orangetown Code, R-15 District, Group M, Section 3.12, Column 11 (Rear Yard: 35' required, 26' 10" proposed) for a deck at a new single-family residence. The property is located at 31 Sunrise Lane, Pearl River, New York and is identified on the Orangetown Tax Map as Section 69.18, Block 3, Lot 43.2; in the R-15 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, September 18, 2019 at which time the Board made the determination hereinafter set forth.

Steven Griffin and Luke Petrocelli, Architect, appeared and testified.

The following documents were presented:

1. Plans labeled "Proposed Deck, 31 Sunrise Lane, Pearl River" dated 6/21/2019 latest revision date of 7/29/2019 signed and sealed by Luke Petrocelli, Architect.
2. A letter dated September 7, 2019 from the Rockland County Sewer District No.1 signed by Joseph LaFiandra, Engineer II.
3. A sign off sheet asking or no further correspondence from Rockland County Health Department signed by Elizabeth Mello.

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 that the foregoing application is a Type II action exempt from the State Environmental Quality Review Act (SEQRA), pursuant to SEQRA Regulations §617.5 (c) (11), (12), (16) and/or (17); which does not require SEQRA environmental review. The motion was seconded by Ms. Castelli and carried as follows: Mr. Bosco, aye; Ms. Salomon, aye; Mr. Sullivan, aye; Mr. Quinn, aye; Mr. Feroldi, aye; and Ms. Castelli, aye.

Luke Petrocelli, Architect, testified that the deck is the only way to integrate the living area of the house with the rear yard because of the slope of the property; that there are restrictive easements on the property and house next door is downhill from this property and Coletti is uphill.

Steven Griffin testified that the deck is in keeping with the character of the neighborhood because both houses on either side of the house have decks that are similar in size when related to those structures.

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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 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 rear yard variance will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The property has restrictive easements on it and similar decks exist in the immediate area.
2. The requested rear yard variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The property has restrictive easements on it and similar decks exist in the immediate area.
3. The benefits sought by the applicant cannot be achieved by other means feasible for the applicant to pursue other than by obtaining a variance.
4. The requested rear yard 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 property has restrictive easements on it and similar decks exist in the immediate area.
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.

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DECISION: In view of the foregoing and the testimony and documents presented, the Board RESOLVED that the application for the requested rear yard variance is APPROVED; and FURTHER RESOLVED, that such decision and the vote thereon shall become effective and be deemed rendered on the date of adoption by the Board of the minutes of which they are a part.

General Conditions:

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

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

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

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

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


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The foregoing resolution to approve the application for the requested rear yard variance is APPROVED; was presented and moved by Ms. Salomon, seconded by Ms. Castelli and carried as follows: Mr. Bosco, aye; Mr. Quinn, aye; Mr. Sullivan, aye; Ms. Salomon, aye; and Ms. Castelli, aye.

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: September 18, 2019

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-D.M.

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

TOWN OF ORANGETOWN
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TOWN CLERK'S OFFICE

DECISION

REAR YARD VARIANCE APPROVED

To: John G. Carroll
50 Lawrence Street
Tappan, New York 10983

ZBA #19-84
Date: September 18, 2019
Permit #49135

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#19-84: Application of John Carroll for a variance from Zoning Code (Chapter 43) of the Town of Orangetown Code, R-15 District, Group M, Section 3.12, Column 11 (Rear Yard: 35' required, 33' proposed) for a deck at an existing single-family residence. The premises are located at 50 Lawrence Street, Tappan, New York and are identified on the Orangetown Tax Map as Section 77.15, Block 3, Lot 53 in the R-15 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, September 18, 2019 at which time the Board made the determination hereinafter set forth.

John Carroll appeared and testified.

The following documents were presented:

1. A cover letter dated August 12, 2019 from John G. Carroll.
2. Plans labeled "Carroll Residence Alteration to Existing Deck" dated 7/19/2019 not signed or sealed by Kim Thomas Sippel, Architect (3pages).
3. Survey signed and sealed by Robert Rahnefeld PLS dated April 17, 2019.

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 that the foregoing application is a Type II action exempt from the State Environmental Quality Review Act (SEQRA), pursuant to SEQRA Regulations §617.5 (c) (11), (12), (16) and/or (17); which does not require SEQRA environmental review. The motion was seconded by Ms. Castelli and carried as follows: Mr. Bosco, aye; Ms. Salomon, aye; Mr. Sullivan, aye; Mr. Quinn, aye; and Ms. Castelli, aye.

John Carroll testified that he thought he was applying for a permit to replace an existing compliant deck and when he got a survey done he found out that the house and existing deck are in violation of the rear yard by two feet; that he would like to replace the existing deck and in order to that he needs rear yard variance.

Public Comment:

No public comment

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

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DECISION: In view of the foregoing and the testimony and documents presented, the Board RESOLVED that the application for the requested rear yard variance is APPROVED; and FURTHER RESOLVED, that such decision and the vote thereon shall become effective and be deemed rendered on the date of adoption by the Board of the minutes of which they are a part.

General Conditions:

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

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

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

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

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

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TOWN CLERK'S OFFICE

The foregoing resolution to approve the application for the requested rear yard variance is APPROVED; was presented and moved by Mr. Quinn, seconded by Ms. Salomon and carried as follows: Mr. Bosco, aye; Mr. Quinn, aye; Mr. Sullivan, aye; Ms. Salomon, aye; and Ms. Castelli, aye.

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: September 18, 2019

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 OF ORANGETOWN
2019 SEP 24 P 12:19
TOWN CLERK'S OFFICE

DECISION

FRONT YARD FENCE HEIGHT VARIANCE APPROVED

To: Christopher and Jennifer Day
171 Hardwood Drive
Orangeburg, New York 10962

ZBA #19-85
Date: September 18, 2019
Permit #49182

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA# 19-85: Application of Christopher and Jennifer Day for a variances from Zoning Code (Chapter 43) of the Town of Orangetown Code, R-15 District, Section 5.226 (Front Yard Fence Height: 4 ½' permitted, 6' existing) for an existing fence at an existing single-family residence located at 171 Hardwood Drive, Orangeburg, New York and are identified on the Orangetown Tax Map as Section 74.13, Block 3, Lot 27; in the R-15 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, September 18, 2019 at which time the Board made the determination hereinafter set forth.

Christopher Day appeared and testified.

The following documents were presented:

1. A cover letter dated August 1, 2019 to Director Slavin from Christopher Day.(1 page)
2. A certificate of occupancy for a below grade pool dated August 13, 1969.
3. Two copies of surveys dated June 14, 1966 by Alfred R. Yogt and Alfred R. Yogt 2nd; one with two hand drawn pools and fence and the other with the pool removed and a new fence drawn on it.
4. A google map showing other six-foot fences in the front yards.
5. Seven computer generated pictures of the existing fence.

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 that the foregoing application is a Type II action exempt from the State Environmental Quality Review Act (SEQRA), pursuant to SEQRA Regulations §617.5 (c) (11), (12), (16) and/or (17); which does not require SEQRA environmental review. The motion was seconded by Ms. Castelli and carried as follows: Mr. Bosco, aye; Ms. Salomon, aye; Mr. Sullivan, aye; Mr. Quinn, aye; and Ms. Castelli, aye.

Chris Day testified that he purchased the house in my 2017; that there was a fence in the rear yard but it did not enclose the entire yard; that they added the vinyl fence to the existing fence to enclose their rear yard; that several owners previous to himself had a pool and fence and that he thought that he was replacing a fence that was permitted; that the new portion of the fence is set back 30' from the street (from the curb on Lester Drive) and 20' from the street (where it jogs out , also from Lester Drive) where it connects to the existing wood fence; and his hardship is that he has two front yards.

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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 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 front yard fence height variance will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The applicant has two front yards and the property has had a six-foot fence on the property since 1969 when several owners previous to the present owner installed an in-ground pool (which has since been removed). The newer portion of the fence is set back from the road at a considerable distance that it does not interfere with any site lines.
2. The requested front yard fence height variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The applicant has two front yards and the property has had a six-foot fence on the property since 1969 when several owners previous to the present owner installed an in-ground pool (which has since been removed). The newer portion of the fence is set back from the road at a considerable distance that it does not interfere with any site lines.
3. The benefits sought by the applicant cannot be achieved by other means feasible for the applicant to pursue other than by obtaining a variance.
4. The requested front yard fence height 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 has two front yards and the property has had a six-foot fence on the property since 1969 when several owners previous to the present owner installed an in-ground pool (Which has since been removed). The newer portion of the fence is set back from the road at a considerable distance that it does not interfere with any site lines.

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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 front yard fence height variance is APPROVED; and FURTHER RESOLVED, that such decision and the vote thereon shall become effective and be deemed rendered on the date of adoption by the Board of the minutes of which they are a part.

General Conditions:

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

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

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

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

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


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The foregoing resolution to approve the application for the requested front yard fence height variance is APPROVED; was presented and moved by Mr. Sullivan, seconded by Mr. Quinn and carried as follows: Mr. Bosco, aye; Mr. Quinn, aye; Mr. Sullivan, aye; Ms. Salomon, aye; and Ms. Castelli, aye.

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: September 18, 2019

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-G.M.

TOWN CLERK
HIGHWAY DEPARTMENT
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FILE,ZBA, PB
CHAIRMAN, ZBA, PB, ACABOR

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DECISION

FRONT YARD VARIANCES APPROVED

To: Philip Ammirati
5 Birch Street
Pearl River, New York 10965

ZBA #19-86
Date: September 18, 2019
Permit #49090

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#19-86: Application of Philip Ammirati for variances from Zoning Code (Chapter 43) of the Town of Orangetown Code, R-15 District, Group M, Section 3.12, Column 8 (Front Yard: 30' required, 25.4' and 23.8' proposed: Applicant has two front yards) The premises are located at 5 Birch Street, Pearl River, New York and is identified on the Orangetown Tax Map as Section 72.08, Block 3, Lot 73 in the R-15 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, September 18, 2019 at which time the Board made the determination hereinafter set forth.

Philip Ammirati appeared and testified.

The following documents were presented:

1. Plot plan labeled "Proposed Rear Addition 5 Birch Street, Pearl River" signed and sealed by Clifford A Herbst, P.E.
2. Architectural plans dated 7/11/2019 by Clifford A. Herbst, P.E. not signed or sealed (2pages).
Survey dated April 8, 2019 labeled "Survey Map for Philip & Kathryn Ammirati" signed and sealed by Robert R. Rahnefeld, P.L.S.

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 that the foregoing application is a Type II action exempt from the State Environmental Quality Review Act (SEQRA), pursuant to SEQRA Regulations §617.5 (c) (11), (12), (16) and/or (17); which does not require SEQRA environmental review. The motion was seconded by Ms. Castelli and carried as follows: Mr. Bosco, aye; Ms. Salomon, aye; Mr. Sullivan, aye; Mr. Quinn, aye; and Ms. Castelli, aye.

Philip Ammirati testified that he would like to bump out the front entry on the house to avoid opening the door directly into the living/dining room area; that it would be nice to have some separation; that the other portion of the proposed addition is being added in line to the existing house but the house is not sitting perpendicular to the lot and that is causing the need for the other front yard variance; that the lot is only 84' wide and the house is 36' wide; that his hardship is having a lot that is not wide enough and two front yard; and that both Elizabeth and Birch end in cul-de-sacs; and that there is very little traffic in the area.

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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 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 front yard variance will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The applicant has two front yards and an 84' wide lot with an existing house that is 36' wide. The proposed addition along Elizabeth is an extension to the existing house which does not sit perpendicular to the lot.
2. The requested front yard variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The applicant has two front yards and an 84' wide lot with an existing house that is 36' wide. The proposed addition along Elizabeth is an extension to the existing house which does not sit perpendicular to the lot.
3. The benefits sought by the applicant cannot be achieved by other means feasible for the applicant to pursue other than by obtaining a variance.
4. The requested front yard variance, is not 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 two front yards and an 84' wide lot with an existing house that is 36' wide. The proposed addition along Elizabeth is an extension to the existing house which does not sit perpendicular to the lot.
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.

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DECISION: In view of the foregoing and the testimony and documents presented, the Board **RESOLVED** that the application for the requested front yard variance is **APPROVED**; and **FURTHER RESOLVED**, that such decision and the vote thereon shall become effective and be deemed rendered on the date of adoption by the Board of the minutes of which they are a part.

General Conditions:

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

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

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

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

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

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The foregoing resolution to approve the application for the requested front yard variance is APPROVED; was presented and moved by Mr. Bosco, seconded by Ms. Castelli and carried as follows: Mr. Bosco, aye; Mr. Quinn, aye; Mr. Sullivan, aye; Ms. Salomon, aye; and Ms. Castelli, aye.

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: September 18, 2019

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

TOWN OF ORANGETOWN
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DECISION

CONFORMANCE TO TOWN PERFORMANCE STANDARDS ACCEPTED

To: William Cavazzini (Nice Pak PDI)
2 Nice Pak Park
Orangeburg, New York 10962

ZBA #19-87
Date: September 18, 2019
Permit # 48687

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#19-87: Application of Nice Pak/PDI requesting the Zoning Board of Appeals' review, and determination, of conformance with the Town of Orangetown Zoning Code (Orangetown Code Chapter 43) Section 4.12 Performance Standards review for the addition of two interior tanks and two exterior storage tanks for bulk liquids. The premises are located at 2 NicePak Park, Orangeburg, New York and are identified on the Orangetown Tax Map as Section 74.07, 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, September 18, 2019 at which time the Board made the determination hereinafter set forth.

Brian Quinn, Attorney, William Cavazzini Project Manager, Kate Childs, Consultant, Kaushar Sceth, P.E., and Joseph Bozzutti, Assistant General Council for PDI appeared and testified.

The following documents were presented:

1. Site Plan dated 5/29/2019 signed and sealed by Euyohu Y. Schneider, P.E. last revised 7/25/2019.
2. Plan labeled A-501 Roof Plan Phase Ii Production Expansion signed and sealed by Dennis Thomas Yadansky Architect.
3. PDI Operations Plan labeled ENGPDI72817 dated June 15, 2019.
4. Plan labeled C1.11 PDI- Project Flash Erosion and Sediment Control Plan dated 4/29/2019 signed and sealed by Matthew E. Halbash, P.E..
5. Plan labeled S6.01 Structural Sections last dated January 29, 2019.
6. Air Permit ID 3-3924-00093/00016
7. Wastewater Discharge permit 2019-012.
8. Industrial Alcohol User Permit SDS-NY-15034.
9. UST Alcohol User Permit.
10. Tier II Emergency and Hazardous Chemical Inventory Form Facility ID 6379139
11. TRI-ME additional Form R Certain Glycol Ethers Facility 10962NCPK2NICE.
12. NYS DEC SEAF Part 1.
13. Stormwater Runoff Calculation dated August 6, 2019.
14. PDI Orangeburg Purchased Chemicals Report dated august 6, 2019.
15. Chemical SDS Data Tope 8 singles & Mixtures: NK Glycerin USP (7 pages); Dowanol (7 pages);SDA40B/190PF/DNB (13 pages);IPA USP (6 pages); Isoprpanol (7 pages);Emulgrade Smart /MB (7 pages); Maquat MQ2525M-50 (8 pages); Witch Hazel (5 pages).
16. Resume of Operations (15 pages).
17. Narrative 8/8/2019.
18. Planning Board Decision #19-47 dated July 31, 2019.
19. A letter dated August 14, 2019 signed by Eamon Reilly, P.E., Commissioner, Department of Environmental Management and Engineering, Town of Orangetown.

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20. Memorandum dated August 14, 2019 from Michael Weber, Industrial Treatment Coordinator, Department of Environmental Management and Engineering, Town of Orangetown.
21. Memorandum dated August 14, 2019 from Dylan Hofsis, Junior Public Health Engineer and Zoning Enforcement Officer, Department of Environmental Management and Engineering, Town of Orangetown.
22. A memorandum dated August 14, 2019 from Bruce Peters, Engineer III, Department of Environmental Management and Engineering, Town of Orangetown.
23. A memorandum dated August 21, 2019 from Michael Bettmann, Chief Fire Safety Inspector, Town of Orangetown.
24. A letter dated September 17, 2019 from the Rockland County Department of Planning signed by Douglas J. Schuetz, Acting Commissioner of Planning.
25. A letter dated August 9, 2019 from the Rockland County Sewer District No.1 signed by Joseph LaFiandra, Engineer II.
26. A letter dated September 4, 2019 from the Rockland County Center for Environmental Health signed by Elizabeth Mello, P.E..

Mr. Sullivan, Chairman, made a motion to open the Public Hearing which motion was seconded by Mr. Bosco 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 seeks a Performance Standards Review in a zoned LIO lot, the application is a Type II action exempt from the State Environmental Quality Review Act (SEQRA), pursuant to SEQRA Regulations §617.5 (c) (34); which does not require SEQRA environmental review. The motion was seconded by Ms. Castelli and carried as follows: Mr. Bosco, aye; Mr. Quinn, aye; Mr. Sullivan, aye; Ms. Salomon, aye; and Ms. Castelli, aye.

Brian Quinn, Attorney testified that a narrative was submitted with the application and that he has lived in Pearl River for 35 years and always thought they mostly made wet wipes ; that Nice-Pak first invented the “wet nap” and both companies have substantially expanded the product lines to include baby wipes, anti-bacterial wipes and many other products with medical applications; that the main facility in Orangeburg consists of 168,800 sq. ft., which was first established in 1985; that as part of the company’s constant innovation and upgrading of facilities, an application was submitted to the Orangetown Planning Board for installation of four tanks at the Orangeburg facility; that the Planning Board granted a preliminary approval and a neg dec and now they are applying for Performance Standards approval for the additional four tanks; that they have already begun to answer Michael Bettman’s concerns and they would appreciate it if the Board would over-ride #4 of the letter dated September 17, 2019 from Rockland County Department of Planning since the applicant has up to date permits from all the necessary agencies involved in their inspections.

William Cavazzini testified that that they are proposing two storage tanks and two mixing tanks; that the two raw material storage tanks will be outside the building on the east side; that one tank will hold 10,000 gallons of hydrogen peroxide and the other will store 7,000 gallons of acetic acid; that each of these tanks will have its own separate, secondary containment capable of

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holding at least 110% of the tank capacity; that the two mixing tanks will be installed inside the building in the Mix Tank room; that these tanks hold 5,000 gallons each; that batches will be made to produce the final product which contains primarily water with the minor ingredients being hydrogen peroxide and acetic acid; that the building is not being expanded; that the sprinkler system has been approved by Integrated Product Services; that they have a detailed spill containment plan that is detailed in a 17 page booklet; that they have 24/7 security and workers do rounds; and that the tanks are covered by canopies and there is still a 42' wide road for emergency vehicles.

Kaushal Sceth, P.E. testified that there is concrete and rebar between the tanks; that the tanks have pedestal pumps; that there is a leak detector on the tanks; that each tank has a connector point within its confines and the tanks are filled once a week or about every ten days.

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 reports dated August 14, 2019 from Michael Weber, Chief Operator and Bruce Peters, Engineer III, memo dated August 14, 2019, Town of Orangetown Department of Environmental Management and Engineering (D.E.M.E.); memo dated August 14, 2019, from Dylan Hofsis, Junior Public Health Engineer and Zoning Enforcement Officer, Town of Orangetown Department of Environmental Management and Engineering (D.E.M.E.); the Memorandum dated August 14, 2019 from Eamon Reilly, PE, Commissioner, Town of Orangetown Department of Environmental Management and Engineering (D.E.M.E.); the report dated August 21, 2019 from Michael B. Bettmann, Chief Fire Inspector, Town of Orangetown Bureau of Fire Prevention (B.F.P.); Rockland County Department of Environmental Health dated September 4, 2019 signed by Elizabeth Mello, P.E., Senior Public Health Engineer; Rockland County Department of Planning letter dated September 17, 2019 comments #1, #2 & #3 signed by Douglas Schuetz, Acting Commissioner 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., B.F.P., and all other departments having jurisdiction of the premises.

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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 that the Applicant: (1) Submit a revised Resume of Operations pages 4, 5, & 13 and comply with the comments contained in: (2) memo dated August 14, 2019 from Michael Weber, Chief Operator and Bruce Peters, Engineer III, memo dated August 14, 2019, Town of Orangetown Department of Environmental Management and Engineering (D.E.M.E.); (3) memo dated August 14, 2019, from Dylan Hofsis, Junior Public Health Engineer and Zoning Enforcement Officer, Town of Orangetown Department of Environmental Management and Engineering (D.E.M.E.); (4) the Memorandum dated August 14, 2019, 2019 from Eamon Reilly, PE, Commissioner, Town of Orangetown Department of Environmental Management and Engineering (D.E.M.E.); (5) the report dated August 21, 2019 from Michael B. Bettmann, Chief Fire Inspector, Town of Orangetown Bureau of Fire Prevention (B.F.P); Rockland County Department of Environmental Health letter dated September 4, 2019 signed by Elizabeth Mello, P.E., Senior Public Health Engineer; Rockland County Department of Planning letter dated September 17, 2019 comments #1, #2 & #3 signed by Douglas Schuetz, Acting Commissioner of Planning; 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.

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(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.

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The foregoing Resolution, to approve the application for the requested conformance to Performance Standards with the following conditions that the applicant: (1) memo dated August 14, 2019 from Michael Weber, Chief Operator and Bruce Peters, Engineer III, memo dated August 14, 2019, Town of Orangetown Department of Environmental Management and Engineering (D.E.M.E.); (3) memo dated August 14, 2019, from Dylan Hofsis, Junior Public Health Engineer and Zoning Enforcement Officer, Town of Orangetown Department of Environmental Management and Engineering (D.E.M.E.); (4) the Memorandum dated August 14, 2019, 2019 from Eamon Reilly, PE, Commissioner, Town of Orangetown Department of Environmental Management and Engineering (D.E.M.E.); (5) the report dated August 21, 2019 from Michael B. Bettmann, Chief Fire Inspector, Town of Orangetown Bureau of Fire Prevention (B.F.P); Rockland County Department of Environmental Health letter dated September 4, 2019 signed by Elizabeth Mello, P.E., Senior Public Health Engineer; Rockland County Department of Planning letter dated September 17, 2019 comments #1, #2 & #3 signed by Douglas Schuetz, Acting Commissioner of Planning; was presented and moved by Mr. Sullivan, seconded by Ms. Castelli and carried as follows: Mr. Bosco, aye; Mr. Quinn, aye; Mr. Sullivan, aye, Ms. Salomon, aye, and Ms. Castelli, aye.

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: September 18, 2019

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
2019 SEP 24 P 12: 20
TOWN OF ORANGETOWN

DECISION

**EXTENSION OF TIME TO IMPLEMENT VARIANCES APPROVED IN ZBA#19-88
GRANTED FOR 1 ½ YEARS**

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

ZBA #19-88
Date: September 18, 2019
Permit # N.A.

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA# 19-88: Application of Sambrotto subdivision for an extension of time to implement variances that were granted in ZBA#15-11: Application of Sambrotto Subdivision for variances from Zoning Code (Chapter 43) of the Town of Orangetown Code, Section 3.12, R-40 District, Group E, Columns 5 (Lot Area: 40,000 sq. ft. required, 35, 691 proposed for lot #1; 35,283 sq. ft. for lot #2), 8 (Front Yard: 50' required, 9.3' existing to the existing garage on lot #1), and 9 (Side Yard: 30' required, 11' existing to existing garage on lot #1) for a proposed two- lot residential subdivision. The premises are located at 34 Clausland Mountain Road, Blauvelt, New York and are identified on the Orangetown Tax Map as Section 70.15, Block 2, Lot 11; in the R-40 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, September 18, 2019 at which time the Board made the determination hereinafter set forth.

Jay Greenwell, Land Surveyor, appeared and testified.

The following documents were presented:

1. Zoning Board of Appeals Decision # 15-11 dated February 18, 2011.
2. A "Subdivision of Property for Sambrotto" signed and sealed by Jay A. Greenwell, Land Surveyor original date 1/13/2015 with the latest revision date 5/17/2016.

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 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 this application, pursuant to coordinated review under the State Environmental Quality Review Act Regulations §617.6 (b) (3); and since the Planning Board conducted a SEQRA review and on December 10, 2014 (set forth in PB# 13-29 Sambrotto Minor Subdivision) rendered an environmental determination of **no** significant adverse environmental impacts to result from the proposed land use action (i.e., a "Negative Declaration" or "Neg. Dec"), the ZBA is bound by the Planning Board's Neg Dec and the ZBA cannot require further SEQRA review pursuant to SEQRA Regulation § 617,6 (b)(3). The motion was seconded by Ms. Castelli and carried as follows: Ms. Castelli, aye; Ms. Salomon, aye; Mr. Bosco, aye; Mr. Quinn, aye; and Mr. Sullivan, aye.

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Jay Greenwell, Land Surveyor testified that the applicant had a number of legal issues and financial reasons for not filing the map on time; that there were issues with the road widening permit and some other administrative issues that should all be straightened out now and they would appreciate an 18 month extension; and that they hope for clear sailing to sign and file the map before this extension runs out.

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 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. No significant change in circumstances has occurred since the prior approved variance was granted that would warrant Board reconsideration of its approval.
2. Applicants stated that they expect to file the subdivision map in the near future.

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DECISION: In view of the foregoing and the testimony and documents presented, the Board RESOLVED that the application for the requested extension of time to implement variances that were granted in ZBA#15-11 dated February 18, 2015 is APPROVED and GRANTED FOR 18 MONTHS from the date of this stamped decision; and FURTHER RESOLVED, that such decision and the vote thereon shall become effective and be deemed rendered on the date of adoption by the Board of the minutes of which they are a part.

General Conditions:

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

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

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

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

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

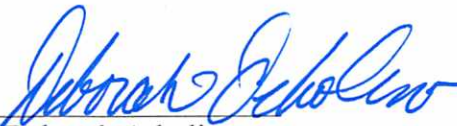
TOWN CLERK'S OFFICE
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The foregoing resolution to approve the application for the requested extension of time (for two years from the date of the stamped decision) to implement variances that were granted in in ZBA#15-11 dated February 18, 2015 is APPROVED and GRANTED FOR 18 MONTHS from the date of this stamped decision; was presented and moved by Ms. Salomon, seconded by Ms. Castelli and carried as follows: Mr. Bosco, aye; Mr. Quinn, aye; Mr. Sullivan, aye; Ms. Salomon, aye; and Ms. Castelli, aye.

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: September 18, 2019

ZONING BOARD OF APPEALS
TOWN OF ORANGETOWN

By 
Deborah Arbolino
Administrative Aide

DISTRIBUTION:

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TOWN OF ORANGETOWN
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