

MINUTES
ZONING BOARD OF APPEALS
January 22, 2020

MEMBERS PRESENT: DAN SULLIVAN
THOMAS QUINN
PATRICIA CASTELLI

ABSENT: MICHAEL BOSCO

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

SOFT CLOTH CAR WASH 558 North Middletown Road Pearl River, NY 64.17 / 1 / 77; CO zone	POSPONED	ZBA#20-03
--	----------	-----------

NEW ITEMS:

GALLAGHER 112 South John Street Pearl River, New York 68.20 / 3 / 54; RG zone	ACCESSORY STRUCTURE SIDE YARD VARIANCE APPROVED PRE-EXISTING GARAGE LOCATION ACKNOWLEDGED: ZBA FEES SHOULD BE REFUNDED	ZBA#20-04
--	--	-----------

COZZI 19 Paul Court Tappan, NY 77.11 / 2 / 33; R-15 zone	REAR YARD VARIANCE APPROVED	ZBA#20-05
---	--------------------------------	-----------

JEVENS 20 Salmar Avenue Pearl River, NY 69.05 / 3 / 65; R-15 zone	FRONT YARD, SIDE YARD, BUILDING HEIGHT VARIANCES APPROVED: UNDERSIZE LOT ACKNOWLEDGED	ZBA#20-06
--	---	-----------

TOWN OF ORANGETOWN
2020 FEB 11 A 10: 09
TOWN CLERK'S OFFICE

RK PHARMA PERFORMANCE STANDARDS ZBA#20-07
PERFORMANCE STANDARDS CONFORMANCE ACCEPTED WITH CONDITIONS
401 North Middletown Road NON-CONFORMING USE DID NOT
Pearl River, New York DIS-CONTINUE FOR THE LOT, THEREFORE
68.08 / 1 / 1; LI zone THE PROPOSED USE IS A CONTINUED NON-
CONFORMING USE

ONYX MANAGEMENT GROUP LLC PERFORMANCE STANDARDS ZBA#20-08
AMAZON AT HUDSON CROSSING CONFORMANCE ACCEPTED
PERFORMANCE STANDARDS WITH SPECIFIC CONDITIONS
200 Oritani Drive AND LIMITED TO PHASE I
Blauvelt, New York APPLICANT MUST RETURN WHEN
65.18 / 1 / 22; LO zone THE BUSINESS EXPANDS IN 2021

ONYX MANAGEMENT GROUP LLC PERFORMANCE STANDARDS ZBA#20-09
AMAZON AT HUDSON CROSSING CONFORMANCE ACCEPTED
PERFORMANCE STANDARDS WITH SPECIFIC CONDITIONS
400 Oritani Drive AND LIMITED TO PHASE I
Blauvelt, New York APPLICANT MUST RETURN WHEN
70.06 / 1 / 1.12; LO zone THE BUSINESS EXPANDS IN 2021

TOWN OF ORANGETOWN
2020 FEB 11 A 10: 09
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: Safe N Sound Child Care Site Plan, 249 North Middletown Road, Pearl River, NY, 68.12 / 3 / 27; CO 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 9:45 P.M.

Dated: January 22, 2020

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
2020 FEB 11 A 10: 09
TOWN CLERK'S OFFICE

DECISION

**SECTION 5.227 ACCESSORY STRUCTURE PRE-EXISTING SIDE YARD VARIANCE
ACKNOWLEDGED AND APPROVED: FEES FOR THE ZONING BOARD
APPEARANCE SHALL BE REFUNDED BECAUSE THIS CONDITION SHOULD
HAVE BEEN ACKNOWLEDGED IN ZBA 19-31 DATED MARCH 20, 2019**

To: Liam Gallagher
112 South John Street
Pearl River, New York 10965

ZBA #20-04
Date: January 22, 2020
Permit #49451

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#20-04: Application of Liam Gallagher for a variance from Zoning Code (Chapter 43) of the Town of Orangetown Code, Chapter 43, RG District, Group Q, Section 5.227 (Accessory Structure Side Yard: 5' required, 3.9' proposed) for an existing garage at an existing single-family residence. The premises are located at 112 South John Street, Pearl River, New York and is identified on the Orangetown Tax Map as Section 68.20, Block 3, Lot 54 in the RG zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, January 22, 2020 at which time the Board made the determination hereinafter set forth.

Karl Ackermann, Architect and Liam Gallagher appeared and testified.

The following documents were presented:

1. Plans labeled "Existing House, Pool and Garage Deck and Pool UL Documents for Mr. & Mrs. Gallagher" dated November 3, 2019 signed and sealed by Karl Ackermann, Architect (4 pages).
2. Survey dated March 24, 2018 by James G. Scheuermann, L.S.
3. ZBA # 19-31 dated March 20, 2019 for Liam Gallagher for a total side yard variance.

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, Chairman, 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 Mr. Quinn and carried as follows: Mr. Sullivan, aye; Mr. Quinn, aye; and Ms. Castelli, aye. Mr. Bosco was absent.

Karl Ackerman, Architect, testified that they were referred to this Board because they were proposing an addition to the house and the deck that is one step up from the ground and attached

TOWN OF ORANGETOWN
2020 FEB 11 A 10:09
TOWN CLERK'S OFFICE

to the pre-existing non-conforming garage that was in its present location when the applicant purchased the house; that the Building Inspector said that attaching the deck to the garage prompted the variance; and that is why they are here.

Liam Gallagher testified that he has owned the house for 11 years; that the deck was built three or four years ago; that he did not think he needed a permit because it is so close to the ground; that it is 9.11' x 12.1'.

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 accessory distance from the side yard variance will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. This property received a variance in ZBA #19-31 on March 20, 2019 and the pre-existing non-conforming garage and the attached deck existed at the time. The Board is acknowledging the pre-existing 3.9' side yard for the garage that was built prior to the applicant purchasing the property and finds that the applicant should be refunded his fees for the Board appearance because this pre-existing garage existed at the time of the application for ZBA#19-31 and should have been included in that application.
2. The requested accessory structure distance from the side yard variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. . This property received a variance in ZBA #19-31 on March 20, 2019 and the pre-existing non-conforming garage and the attached deck existed at the time. The Board is acknowledging the pre-existing 3.9' side yard for the garage that was built prior to the applicant purchasing the property and finds that the applicant should be refunded his fees for the Board appearance because this pre-existing garage existed at the time of the application for ZBA#19-31 and should have been included in that application.
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.

TOWN OF ORANGETOWN
2020 FEB 11 A 10:09
TOWN CLERK'S OFFICE

4. The requested accessory structure distance from the side yard variance is not substantial. . This property received a variance in ZBA #19-31 on March 20, 2019 and the pre-existing non-conforming garage and the attached deck existed at the time. The Board is acknowledging the pre-existing 3.9' side yard for the garage that was built prior to the applicant purchasing the property and finds that the applicant should be refunded his fees for the Board appearance because this pre-existing garage existed at the time of the application for ZBA#19-31 and should have been included in that application.
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 accessory structure pre-existing non-conforming side yard variance is APPROVED and the Board finds that the applicant should be refunded his fees for the Board appearance because this pre-existing garage existed at the time of the application for ZBA#19-31 and should have been included in that application ; 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

TOWN OF ORANGETOWN
2020 FEB 11 A 10:09
TOWN CLERK'S OFFICE

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.

The foregoing resolution to approve the application for the requested accessory structure pre-existing non-conforming side yard variance is APPROVED and the Board finds that the applicant should be refunded his fees for the Board appearance because this pre-existing garage existed at the time of the application for ZBA#19-31 and should have been included in that application is APPROVED; was presented and moved by Ms. Castelli, seconded by Mr. Quinn and carried as follows: Mr. Sullivan, aye; Mr. Quinn, aye; and Ms. Castelli, 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: January 22, 2020

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
2020 FEB 11 A 10:09
TOWN OF ORANGETOWN

DECISION

REAR YARD VARIANCE APPROVED

To: Alan Cozzi
19 Paul Court
Tappan, New York 10983

ZBA #20-05
Date: January 22, 2020
Permit #49489

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#20-05: Application of Alan Cozzi for a variance from Zoning Code (Chapter 43) of the Town of Orangetown Code, Chapter 43, R-15 District, Group M, Section 3.12, Column 11 (Rear Yard: 35' required, 16.4' proposed) for an existing deck at an existing single-family residence. The premises are located at 19 Paul Court, Tappan, New York and is identified on the Orangetown Tax Map as Section 77.11, Block 2, Lot 33 in the R-15 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, January 22, 2020 at which time the Board made the determination hereinafter set forth.

Alan and Joanne Cozzi appeared and testified.

The following documents were presented:

1. Copy of survey with deck drawn on it, survey dated 5/25/1984.
2. A letter dated December 27, 2019 from the Rockland County Department of Planning signed by Douglas J. Schuetz, Acting Commissioner of Planning.
3. A no comment letter from Rockland County Highway Department signed by Dyan Rajasingham, dated December 12, 2019.
4. A no comment letter from Rockland County Health Department signed by Elizabeth Mello, P.E. dated January 15, 2020.
5. Two color computer generated pictures of the back yard and deck.

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, Chairman 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. Sullivan, aye; Mr. Quinn, aye; and Ms. Castelli, aye. Mr. Bosco was absent.

Alan Cozzi testified the deck was built 32 years ago; that he had it built without a permit; that they are getting ready to sell the house and they realized that they do not have a certificate of occupancy for the deck; that they talked to the Highway Department about the easement and they came and looked at the property; that the only thing facing his back yard is the Palisades Parkway; that the deck is in very good shape and he doesn't want to take it down; and that the

TOWN CLERK'S OFFICE
2020 FEB 11 A 10:09
TOWN OF ORANGETOWN

corner of the deck is the only section that is in the easement; and that he has owned the house for many years and no one has ever done any work in that easement.

Denise Sullivan, Deputy Town Attorney stated that the easement exists behind this house and the house next to it, and that she sent the paper work to the Highway Department.

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. There is such a small section of the existing deck in the easement and it has existed like that for 32 years without incident, that the Board finds the request reasonable. The house sits on an angle on the property which results in the need for the requested variance.
2. The letter from Rockland County Planning dated December 27, 2019 does not take into consideration that the deck is existing. Referrals were sent to the PIP at the same time that they were sent to Rockland County Planning and the PIP did not comment.
3. The requested rear yard variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. There is such a small section of the existing deck in the easement and it has existed like that for 32 years without incident, that the Board finds the request reasonable. The house sits on an angle on the property which results in the need for the requested variance.
4. The benefits sought by the applicant cannot be achieved by other means feasible for the applicant to pursue other than by obtaining a variance.

TOWN OF ORANGETOWN
2020 FEB 11 A 10:09
TOWN CLERK'S OFFICE

5. 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. There is such a small section of the existing deck in the easement and it has existed like that for 32 years without incident, that the Board finds the request reasonable. The house sits on an angle on the property which results in the need for the requested variance.
6. 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 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.

Cozzi

TOWN OF ORANGETOWN
2020 FEB 11 A 10:09
TOWN CLERK'S OFFICE


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

The foregoing resolution to approve the application for the requested rear yard variance is APPROVED; was presented and moved by Mr. Quinn, seconded by Ms. Castelli and carried as follows: Mr. Sullivan, aye; Mr. Quinn, aye; and Ms. Castelli, 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: January 22, 2020

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

TOWN OF ORANGETOWN
2020 FEB 11 A 10:09
TOWN CLERK'S OFFICE

DECISION

UNDERSIZED LOT APPLIES: FRONT YARD, SIDE YARD (13.5' GRANTED IN ZBA#03-23), AND BUILDING HEIGHT VARIANCES APPROVED

To: Chelsea and Christopher Jevens
20 Salmar Avenue
Pearl River, New York 10965

ZBA #20-06
Date: January 22, 2020
Permit #49586

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#20-06: Application of Chelsea and Christopher Jevens for variances from Zoning Code (Chapter 43) of the Town of Orangetown Code, R-15 District, Group M, Section 3.12, (Section 5.21 C Undersized lot applies: existing lot area: 11,851 sq. ft. and existing lot width is 80') Columns 8 (Front Yard: 30' required, 20' proposed), 9 (Side Yard: 15' required, 14' proposed, 13.5' granted in ZBA #03-23 DATED March 19, 2003), 12 (Building Height: 20' permitted, 23' 4" proposed) for an addition to an existing single-family residence. The premises are located at 20 Salmar Avenue, Pearl River, New York and is identified on the Orangetown Tax Map as Section 69.05, Block 3, Lot 65 in the R-15 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, January 22, 2020 at which time the Board made the determination hereinafter set forth.

Christopher and Chelsea Jevens appeared and testified.

The following documents were presented:

1. Plans labeled "Jevens Residence Two Story Addition" dated October 17, 2019 with the latest revision date of 12/03/2019 signed and sealed by Harry J. Goldstein, R.A.. (2 pages).
2. ZBA#03-23 dated March 19, 2003.

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, Chairman 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. Sullivan aye; Mr. Quinn, aye; and Ms. Castelli, aye. Mr. Bosco was absent.

Chelsea Jevens testified that the house is very small; that they are proposing to do a full second floor expansion to allow three bedrooms upstairs and a bathroom; that the only change to the footprint is in the front of the house for an entry way mudroom; that they have two children ages six and nine; that they have owned the house for eleven years; that the house is a Cape Cod style

TOWN OF ORANGETOWN
2020 FEB 11 A 10:09
TOWN CLERK'S OFFICE

house; that there are six houses on the block and there are two young families that are thinking about doing the same kind of expansion; that similar additions have been done in the neighborhood but not on this block yet; and that the variance granted in 2003 was granted to the previous owner.

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, side yard and building height variances will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The Board acknowledged the existing undersized lot and the previously granted 13.5 side yard variance granted in ZBA#03-23 dated March 19, 2003. Similar additions have been constructed in the neighborhood.
2. The requested front yard, side yard and building height variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The Board acknowledged the existing undersized lot and the previously granted 13.5 side yard variance granted in ZBA#03-23 dated March 19, 2003. Similar additions 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 variances.
4. The requested front yard side yard and building height variances, although somewhat substantial, afford benefits to the applicant that are not outweighed by the detriment, if any, to the health, safety and welfare of the surrounding neighborhood or nearby community. The Board acknowledged the existing undersized lot and the previously granted 13.5 side yard variance granted in ZBA#03-23 dated March 19, 2003. Similar additions have been constructed in the neighborhood.

TOWN OF ORANGETOWN
2020 FEB 11 A 10:09
TOWN CLERK'S OFFICE

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, side yard and building height variances are APPROVED and the undersized lot and previously granted side yard variance of 13.5' that was granted in ZBA #03-23 dated March 19, 2003 is acknowledged; 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 OF ORANGETOWN
2020 FEB 11 A 10:08
TOWN CLERK'S OFFICE

The foregoing resolution to approve the application for the requested front yard, side yard and building height variances are APPROVED and the undersized lot and previously granted side yard variance of 13.5' that was granted in ZBA #03-23 dated March 19, 2003 is acknowledged; was presented and moved by Ms. Castelli, seconded by Mr. Quinn and carried as follows: Mr. Sullivan, aye; Mr. Quinn, aye; and Ms. Castelli, 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: January 22, 2020

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-Dom. M.

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

TOWN OF ORANGETOWN
2020 FEB 11 A 10:08
TOWN CLERK'S OFFICE

CONFORMANCE TO TOWN PERFORMANCE STANDARDS ACCEPTED WITH CONDITIONS: NON-CONFORMING USE DID NOT CEASE FOR THE ENTIRE LOT (64.18 / 1/ 22: 180.4 acres); THEREFORE THE PROPOSED USE IS PERMITTED AS A PRE-EXISTING NON-CONFORMING USE

To: Vijai Kumor (RK Pharma)
401 N. Middletown Road
Pearl River, New York 10965

ZBA #20-07
Date: January 22, 2020
Permit # 49587

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#20-07: Application of RK Pharma 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 of use of Building 215/ 215A for office, research and pharmaceutical manufacturing/distribution in the existing building and from Section 9.33 (Cessation of Use: Non-conforming use not continuance for a period of one (1) year with 3 years proposed). The premises are located at 401 North Middletown Road, Pearl River, New York and is identified on the Orangetown Tax Map as Section 68.08, Block 1, Lot 1 in the LI zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, January 22, 2020 at which time the Board made the determination hereinafter set forth.

Kamlesh M. Shah, R.A., and Samit Bed, Director of Operations, appeared and testified.

The following documents were presented:

1. Overall Map Prepared For IRG Property dated December 12, 2017 signed and sealed by Edward T. Gannon, P.L.S.
2. Building plans labeled " Standard Use: Industrial Buildings: Standard Methods of Measurement- ANSI/BOMA Z65.2-2009 Method A (Building has 51% or more of total area devoted to industrial use and therefore rentable area is calculated using he standard for Industrial Buildings) Buildings 215 & 215A- Third Floor, Buildings 215 & 215A – Second Floor, Buildings 215 & 215A- First Floor. (3 pages).
3. Safety Data Sheets (32 pages).
4. Short Environmental assessment Form Part 1 and 2.
5. Resume of Operations (15 pages).
6. Memorandum dated January 9, 2020 from Eamon Reilly, P.E., Commissioner, Department of Environmental Management and Engineering, Town of Orangetown.

TOWN OF ORANGETOWN
2020 FEB 11 A 10: 08
TOWN CLERK'S OFFICE

7. Memorandum dated January 3, 2020 from Michael Weber, Industrial Treatment Coordinator, Department of Environmental Management and Engineering, Town of Orangetown.
8. Memorandum dated January 7, 2020 from Dylan Hofsis, Junior Public Health Engineer and Zoning Enforcement Officer, Department of Environmental Management and Engineering, Town of Orangetown.
9. A memorandum dated January 6, 2020 from Bruce Peters, Engineer III, Department of Environmental Management and Engineering, Town of Orangetown.
10. A memorandum dated January 13, 2020 from Michael Bettmann, Chief Fire Safety Inspector, Town of Orangetown.
11. A letter dated January 16, 2020 from the Rockland County Department of Planning signed by Douglas J. Schuetz, Acting Commissioner of Planning.
12. A letter dated January 9, 2020 from the Rockland County Sewer District No.1 signed by Joseph LaFiandra, Engineer II.
13. A letter dated January 17, 2020 from the New York State Department of Transportation signed by Mohammed S. Islam, Assistant Engineer.
14. A letter dated January 9, 202 from the Town of Clarkstown Department of Planning signed by Gilbert J. Heim, Chairman which deemed the matter for local determination.
15. A no comment form from Rockland County Department of Health signed by Elizabeth Mello, P.E., Senior Public Health Engineer.
16. A no comment form from Rockland County Highway Department signed by Dyan Rajasingham, P.E..

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, since the application entails the ZBA engaging in a review to determine compliance with technical requirements, (Performance Standards Review), this application is exempt from environmental review under the State Environmental Quality Review Act (SEQRA), pursuant to SEQRA Regulations §617.5 (c) (25); which does not require SEQRA environmental review. The motion was seconded by Ms. Castelli and carried as follows: Mr. Quinn, aye; Mr. Sullivan, aye; and Ms. Castelli, aye. Mr. Bosco was absent.

Samit Bed, Director of Operations, testified that they are a pharmaceutical company that is starting a new operation for diabetic medication; that it involves a filling machine and isolater and making approximately ten batches in a month and each batch makes between 2,000 and 2,500 vials that are distributed by Fed Ex; that the vials are small and the batches cannot be made every day because the entire machine must be sterilized between batches; and that they are planning to operate five days a week and employ 30 employees.

TOWN OF ORANGETOWN
2020 FEB 11 A 10:08
TOWN CLERK'S OFFICE

Kamlesh Shah, Architect, testified that the operation is a sterile manufacturing operation; that they must meet all the requirements of the FDA for manufacture and waste; that they are in the process of applying for the Industrial Pretreatment Permit from the DEME; that the plans that were requested by Michael Weber have been submitted and they will comply with all of requirements from the involved agencies and the DEME and the Fire Inspector.

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 January 3, 2020 from Michael Weber, Chief Operator and Bruce Peters, Engineer III, memo dated January 6, 2020, Town of Orangetown Department of Environmental Management and Engineering (D.E.M.E.); memo dated January 7, 2020, 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 January 9, 2020 from Eamon Reilly, PE, Commissioner, Town of Orangetown Department of Environmental Management and Engineering (D.E.M.E.); the report dated January 13, 2020 from Michael B. Bettmann, Chief Fire Inspector, Town of Orangetown Bureau of Fire Prevention (B.F.P.); Rockland County Department of Planning dated January 16, 2020 signed by Douglas J. Schuetz, Acting Commissioner of Planning; Rockland County Sewer District No.1 dated January 9, 202 signed by Joseph LaFiandra, Engineer II; New York State Department of Transportation signed by Mohammed S. Islam, Assistant Engineer, dated January 17, 2020 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
2020 FEB 11 A 10:08
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 that the Applicant: (1) Submit a revised Resume of Operations that complies with the comments contained in: (2) memo dated January 3, 2020 from Michael Weber, Chief Operator and Bruce Peters, Engineer III, memo dated January 6, 2020, Town of Orangetown Department of Environmental Management and Engineering (D.E.M.E.); (3) memo dated January 7, 2020, 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 January 9, 2020, from Eamon Reilly, PE, Commissioner, Town of Orangetown Department of Environmental Management and Engineering (D.E.M.E.); (5) the report dated January 13, 2020 from Michael B. Bettmann, Chief Fire Inspector, Town of Orangetown Bureau of Fire Prevention (B.F.P); (6) Rockland County Planning letter dated January 16, 2020 signed by Douglas J. Schuetz, Acting Commissioner of Planning; (7) Rockland County Sewer District No.1 dated January 9, 202 signed by Joseph LaFiandra, Engineer II; (8) New York State Department of Transportation signed by Mohammed S. Islam, Assistant Engineer, dated January 17, 2020; AND FURTHER RESOLVED, **that the Pre-Existing Non-Conforming use is for the Entire Lot 64.16 / 1/ 22 which is 180.4 acres and not for each individual building on the lot;** AND STILL 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 CLERK'S OFFICE
2020 FEB 11 A 10:08
TOWN OF ORANGETOWN

(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.

TOWN OF ORANGETOWN
2020 FEB 11 A 10:08
TOWN CLERK'S OFFICE

The foregoing Resolution, to approve the application for the requested conformance to Performance Standards with the following conditions that the applicant: (1) Submit a revised Resume of Operations that complies with the comments contained in: (2) memo dated January 3, 2020 from Michael Weber, Chief Operator and Bruce Peters, Engineer III, memo dated January 6, 2020, Town of Orangetown Department of Environmental Management and Engineering (D.E.M.E.); (3) memo dated January 7, 2020, from Dylan Hofsiss, 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 January 9, 2020, from Eamon Reilly, PE, Commissioner, Town of Orangetown Department of Environmental Management and Engineering (D.E.M.E.); (5) the report dated January 13, 2020 from Michael B. Bettmann, Chief Fire Inspector, Town of Orangetown Bureau of Fire Prevention (B.F.P); (6) Rockland County Planning letter dated January 16, 2020 signed by Douglas J. Schuetz, Acting Commissioner of Planning; (7) Rockland County Sewer District No.1 dated January 9, 202 signed by Joseph LaFiandra, Engineer II; (8) New York State Department of Transportation signed by Mohammed S. Islam, Assistant Engineer, dated January 17, 2020; and **that the Pre-Existing Non-Conforming use is for the Entire Lot 64.16 / 1/ 22 which is 180.4 acres and not for each individual building on the lot;** was presented and moved by Mr. Sullivan, seconded by Mr. Quinn and carried as follows: Mr. Quinn, aye; Mr. Sullivan, aye, and Ms. Castelli, 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: January 22, 2020

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

TOWN CLERK'S OFFICE
2020 FEB 11 A 10: 08
TOWN OF ORANGETOWN

CONFORMANCE TO TOWN PERFORMANCE STANDARDS ACCEPTED WITH SPECIFIC CONDITIONS

To: Matt Flath (Onyx Amazon)
900 Route 9N Suite 400
Woodbridge, New Jersey 07095

ZBA #20-08
Date: January 22, 2020
Permit # 49589

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#20-08: Applications of Onyx Management Group LLC: Amazon at Hudson Crossing 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 of last-mile distribution facilities, wherein lessee will unload shipments of goods for delivery to local destinations by delivery vans from buildings 200 Oritani Drive, Blauvelt, New York and are identified on the Orangetown Tax Map Section 65.18, Block 1, Lot 22 in the LO zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, January 22, 2020 at which time the Board made the determination hereinafter set forth.

Seth Mandelbaum, Attorney, Onyx Equities, LLC, Jamie Flynn, Real Estate Manager for Amazon, John Collins, Maser Consulting, Nicole Vasquez, Asset Manager, Matt Flath, Amazon, Leonard Cohen, Esq. Cuddy & Feder, Morgan H. Stanley, Onyx/ Amazon, appeared and testified.

The following documents were presented:

1. Plans labeled "Onyx Acquisition, LLC 200 Oritani Drive" dated 03/02/2019 with a revision date of 04/26/2019 signed and sealed by James D. Sens L.S. 2 pages with plans attached labeled "MEP Existing Site Conditions Plan 200 Oritani Drive dated 08/xx/2019 by David J. Mantone, P.E., not signed or sealed 2 pages.
2. Plans labeled "Onyx Acquisition, LLC 100 400 Oritani Drive" dated 03/02/2019 with a revision date of 04/03/2019 and signed and sealed by James D. Sens L.S. on 04/26/2019- 3 pages with plans attached labeled "MEP Existing Site Conditions Plan 400 Oritani Drive dated 08/xx/2019 by David J. Mantone, P.E., not signed or sealed 2 pages.
3. Traffic Impact Study dated December 5, 2019 by Maser Consulting P.A. signed by John T. Collins, Ph.D. , P.E.
4. Short Environmental assessment Form Part 1.
5. A cover letter dated December 12, 2019 from Seth M. Mandelbaum, Attorney for Onyx Equities, LLC. (3 pages)
6. Resume of Operations (15 pages).
7. Memorandum dated January 9, 2020 from Eamon Reilly, P.E., Commissioner, Department of Environmental Management and Engineering, Town of Orangetown.

TOWN OF ORANGETOWN
2020 FEB 11 A 10: 08
TOWN CLERK'S OFFICE

8. Memorandum dated January 3, 2020 from Michael Weber, Industrial Treatment Coordinator, Department of Environmental Management and Engineering, Town of Orangetown with one page attachment.
9. Memorandum dated December 17, 2019 from Dylan Hofsiss, Junior Public Health Engineer and Zoning Enforcement Officer, Department of Environmental Management and Engineering, Town of Orangetown.
10. A memorandum dated January 7, 2020 from Bruce Peters, Engineer III, Department of Environmental Management and Engineering, Town of Orangetown with a letter dated July 10, 2019 addressed to the Planning board attached.
11. A memorandum dated January 3, 2020 from Michael Bettmann, Chief Fire Safety Inspector, Town of Orangetown.
12. A letter dated January 7, 2020 from the Rockland County Department of Planning signed by Douglas J. Schuetz, Acting Commissioner of Planning.
13. A letter dated January 10, 2020 from Seth M. Mandelbaum, Attorney for Onyx Management Group LLC.
14. A letter dated January 9, 2020 from the Rockland County Sewer District No.1 signed by Joseph LaFiandra, Engineer II.
15. A no comment letter dated January 15, 2020 from Rockland County Department of Health signed by Elizabeth Mello, P.E., Senior Public Health Engineer.
16. A no comment letter dated January 3, 2020 from Dyan Rajasingham, Rockland County Highway Department.
17. A letter dated January 17, 2020 from the New York State Department of Transportation signed by Mohammed S. Islam, Assistant Engineer.
18. A letter dated January 22, 2020 from John T. Collins, Ph. D., P.E., Maser Consulting, Executive Principal.

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 seeks a Performance Standards Review for a proposed last mile distribution facility for Amazon.com Bulk parcel shipments will be shipped to the facility by truck, sorted, and loaded onto sprinter vans for delivery to their ultimate destination. The application is a Type II action exempt from the State Environmental Quality Review Act (SEQRA), pursuant to SEQRA Regulations §617.5 (c) (25); which does not require SEQRA environmental review. The motion was seconded by Ms. Castelli and carried as follows: Mr. Quinn, aye; Mr. Sullivan, aye; and Ms. Castelli, aye. Mr. Bosco was absent.

TOWN OF ORANGETOWN
2020 FEB 11 A 10:08
TOWN CLERK'S OFFICE

Seth Mandlebaum, Attorney, testified that the use of 200 Oritani and 400 Oritani is not changing; but that the tenancy is changing. The applicant will only be using the parking field at 877 Western Highway. This operation will create 215 new jobs; that there will be five shifts a day and operations will be 7 days a week, 24 hours a day. The traffic study prepared by Maser Consulting was done with the full use of the buildings being taken into consideration; that there will not be fuel storage on site; that the loading docks are inward on the site; that there is a berm with evergreen plantings that will mitigate any impacts of the surrounding properties; that this is an adaptive use of the two buildings, 200 & 400 Oritani; that 877 Western Highway has parking that is associated with 200 Oritani; that there is enough room to park 160 Sprinter Vans on Site; that they will separate the Resume of Operations and Equipment into two applications, one for 200 Oritani and one for 400 Oritani; that they would appreciate approval for the full buildout because that is what the traffic study was done on; that they plan on using all 98, 536 sq. ft. of the 400 Oritani building by mid 2021; that presently they would not be using all of the loading docks at 400 Oritani and they will return for the full build out if the Board deems that to be necessary; that they will provide the Board with a planting plan for the southwest corner of 400 Oritani going two hundred (200') feet to the south and two hundred (200') feet to the west; and they appreciate the Boards consideration.

Jamie Flynn, Real Estate Manager for Amazon, testified that this site will be used for local deliveries; that the operation will use this space as a delivery station for local delivery by Sprinter vans; that this is an evolving operations and Amazon is trying to deliver faster and more efficiently; that the semi-trucks will be delivering to the site overnight hours, usually between 11:00 p.m. to 8:00 a.m.; that they are expecting about five to ten tractor trailers a night, at first; that they are planning on five shifts of delivery from the Sprinter vans and that would start from 7:00 or 7:30 a.m. and returning ten hours later; however that the revised delivery times may start at 10 a.m. and return no later than 8:00 p.m.; that the delivery area is within 45 miles of this delivery station; that Amazon is opening these stations all over the country; that there is enough parking for the Sprinter vans and the employees; that they will be using 7 loading docks and the drive –in door in phase I at 400 Oritani and the three drive –in doors will be used at 200 Oritani; that they will use the docks farthest away from the residences first; and that they will return for performance standards review if they must when they are at full operation of 400 Oritani.

John Collins, Principal Maser Consulting, author of the traffic study, testified that the traffic study was done for the warehouse operation at full use of the buildings (200 Oritani and 400 Oritani), and that would be 173,000 sq. ft. for both buildings. The traffic study was estimated for trucks, van and employees and heavy commuter traffic between 7:30 a.m. and 8:30 a.m. and 4:30 to 5:30 P.M.; and the report was for both 200 & 400 Oritani at their maximum use of both facilities; and that the traffic generated should not have a significant impact in the area.

Public Comment:

Dennis Noonan, 5 Sgt, DeMeola Road, Blauvelt, testified that he is not opposed to Amazon using this space; that he thinks it is a good use but he is concerned about the hours of operation and the larger trucks backing into the docks at night; that the reverse alarms on these trucks are loud; that he would ask for the semi-trucks to use the bays further away from the residents first and that he and his neighbors house at the corner of 400 Oritani are not heavily screened and more landscaping in that area may help to alleviate the noise.

TOWN OF ORANGETOWN
2020 FEB 11 A 10:08
TOWN CLERK'S OFFICE

Dan Sullivan, Chairman, stated that the applicant shall not use bays 11 through 15 at 400 Oritani until they return for the second phase of Performance Standards when the entire building will be utilized.

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 January 3, 2020 from Michael Weber, Chief Operator and Bruce Peters, Engineer III, memo dated January 7, 2020 Town of Orangetown Department of Environmental Management and Engineering (D.E.M.E.); memo dated December 17, 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 January 9, 2020 from Eamon Reilly, PE, Commissioner, Town of Orangetown Department of Environmental Management and Engineering (D.E.M.E.); the report dated January 3, 2020 from Michael B. Bettmann, Chief Fire Inspector, Town of Orangetown Bureau of Fire Prevention (B.F.P.); Rockland County Department of Planning dated January 7, 2020 signed by Douglas J. Schuetz, Acting Commissioner of Planning; the report dated January 9, 2020 from the Rockland County Sewer District No.1 signed by Joseph LaFiandra, Engineer II; the report from the New York State Department of Transportation dated January 17, 2020 signed by Mohammed S, Islam, Assistant Engineer; 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
2020 FEB 11 A 10:08
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 that the Applicant: (1) **Submit two revised Resume of Operations (200 Oritani and 400 Oritani) that complies with the comments contained in:** (1) report dated January 3, 2020 from Michael Weber, Chief Operator (2) Bruce Peters, Engineer III, memo dated January 7, 2020 Town of Orangetown Department of Environmental Management and Engineering (D.E.M.E.);(3) memo dated December 17, 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 January 9, 2020 from Eamon Reilly, PE, Commissioner, Town of Orangetown Department of Environmental Management and Engineering (D.E.M.E.); (5) the report dated January 3, 2020 from Michael B. Bettmann, Chief Fire Inspector, Town of Orangetown Bureau of Fire Prevention (B.F.P.);(6) Rockland County Department of Planning dated January 7, 2020 signed by Douglas J. Schuetz, Acting Commissioner of Planning; (6) the report dated January 9, 2020 from the Rockland County Sewer District No.1 signed by Joseph LaFiandra, Engineer II;(7) the report from the New York State Department of Transportation dated January 17, 2020 signed by Mohammed S, Islam, Assistant Engineer;(8) the applicant shall submit a planting plan for the southwest corner of 400 Oritani that includes evergreen planting 200' to the south and 200' to the west with a maintenance plan to ensure that the neighbors properties remain shielded from the activity at 400 Oritani as much as possible; **AND FURTHER RESOLVED**, that the applicants shall return for additional PERFORMANCE STANDARDS REVIEW OF OPERATIONS AT 400 ORITANI PRIOR TO EXPANDING TO FULL USE OF THE 400 ORITANI BUILDING; **AND STILL FURTHER RESOLVED** that the applicant shall FIRST UTILIZE THE TEN LOADING DOCKS AT 400 Oritani farthest away from the adjacent residential neighborhood (the southwest corner of 400 Oritani) for incoming deliveries prior to using any other loading docks; 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
2020 FEB 11 A 10:08
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.

TOWN OF ORANGETOWN
2020 FEB 11 A 10:08
TOWN CLERK'S OFFICE

The foregoing Resolution, to approve the application for the requested conformance to Performance Standards with the following conditions that the applicant: : (1) **Submit two revised Resume of Operations (200 Oritani and 400 Oritani) that complies with the comments contained in:** (1) report dated January 3, 2020 from Michael Weber, Chief Operator (2) Bruce Peters, Engineer III, memo dated January 7, 2020 Town of Orangetown Department of Environmental Management and Engineering (D.E.M.E.);(3) memo dated December 17, 2019, from Dylan Hofsiss, 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 January 9, 2020 from Eamon Reilly, PE, Commissioner, Town of Orangetown Department of Environmental Management and Engineering (D.E.M.E.); (5) the report dated January 3, 2020 from Michael B. Bettmann, Chief Fire Inspector, Town of Orangetown Bureau of Fire Prevention (B.F.P.);(6) Rockland County Department of Planning dated January 7, 2020 signed by Douglas J. Schuetz, Acting Commissioner of Planning; (6) the report dated January 9, 2020 from the Rockland County Sewer District No.1 signed by Joseph LaFiandra, Engineer II;(7) the report from the New York State Department of Transportation dated January 17, 2020 signed by Mohammed S, Islam, Assistant Engineer;(8) the applicant shall submit a planting plan for the southwest corner of 400 Oritani that includes evergreen planting 200' to the south and 200' to the west with a maintenance plan to ensure that the neighbors properties remain shielded from the activity at 400 Oritani as much as possible; **AND FURTHER RESOLVED**, that the applicants shall return for additional PERFORMANCE STANDARDS REVIEW OF OPERATIONS AT 400 ORITANI PRIOR TO EXPANDING TO FULL USE OF THE 400 ORITANI BUILDING; **AND STILL FURTHER RESOLVED** that at the 400 Oritani location, the applicant shall first utilize the ten docks farthest away from the adjacent residential neighborhood (the southwest corner of 400 Oritani) for incoming deliveries prior to using any other loading docks; was presented and moved by Mr. Sullivan, seconded by Mr. Quinn and carried as follows: Mr. Quinn, aye; Mr. Sullivan, aye, and Ms. Castelli, 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: January 22, 2020

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

TOWN CLERK'S OFFICE
2020 FEB 11 A 10:08
TOWN OF ORANGETOWN

CONFORMANCE TO TOWN PERFORMANCE STANDARDS ACCEPTED WITH SPECIFIC CONDITIONS

To: Matt Flath (Onyx Amazon)
900 Route 9N Suite 400
Woodbridge, New Jersey 07095

ZBA # 20-09
Date: January 22, 2020
Permit # 49591

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#20-09: Applications of Onyx Management Group LLC: Amazon at Hudson Crossing 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 of last-mile distribution facilities, wherein lessee will unload shipments of goods for delivery to local destinations by delivery vans from building 400 Oritani Drive, Blauvelt, New York and are identified on the Orangetown Tax Map as Section 70.06, Block 1, Lot 1.12 in the LO zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, January 22, 2020 at which time the Board made the determination hereinafter set forth.

Seth Mandelbaum, Attorney, Onyx Equities, LLC, Jamie Flynn, Real Estate Manager for Amazon, John Collins, Maser Consulting, Nicole Vasquez, Asset Manager, Matt Flath, Amazon, Leonard Cohen, Esq. Cuddy & Feder, Morgan H. Stanley, Onyx/ Amazon, appeared and testified.

The following documents were presented:

1. Plans labeled " Onyx Acquisition, LLC 200 Oritani Drive" dated 03/02/2019 with a revision date of 04/26/2019 signed and sealed by James D. Sens L.S. 2 pages with plans attached labeled " MEP Existing Site Conditions Plan 200 Oritani Drive dated 08/xx/2019 by David J. Mantone, P.E., not signed or sealed 2 pages.
2. Plans labeled "Onyx Acquisition, LLC 100 400 Oritani Drive" dated 03/02/2019 with a revision date of 04/03/2019 and signed and sealed by James D. Sens L.S. on 04/26/2019- 3 pages with plans attached labeled "MEP Existing Site Conditions Plan 400 Oritani Drive dated 08/xx/2019 by David J. Mantone, P.E., not signed or sealed 2 pages.
3. Traffic Impact Study dated December 5, 2019 by Maser Consulting P.A. signed by John T. Collins, Ph.D., P.E.
4. Short Environmental assessment Form Part 1.
5. A cover letter dated December 12, 2019 from Seth M. Mandelbaum, Attorney for Onyx Equities, LLC. (3 pages)
6. Resume of Operations (15 pages).
7. Memorandum dated January 9, 2020 from Eamon Reilly, P.E., Commissioner, Department of Environmental Management and Engineering, Town of Orangetown.

TOWN OF ORANGETOWN
2020 FEB 11 A 10:08
TOWN CLERK'S OFFICE

8. Memorandum dated January 3, 2020 from Michael Weber, Industrial Treatment Coordinator, Department of Environmental Management and Engineering, Town of Orangetown with one page attachment.
9. Memorandum dated December 17, 2019 from Dylan Hofsiss, Junior Public Health Engineer and Zoning Enforcement Officer, Department of Environmental Management and Engineering, Town of Orangetown.
10. A memorandum dated January 7, 2020 from Bruce Peters, Engineer III, Department of Environmental Management and Engineering, Town of Orangetown with a letter dated July 10, 2019 addressed to the Planning board attached.
11. A memorandum dated January 3, 2020 from Michael Bettmann, Chief Fire Safety Inspector, Town of Orangetown.
12. A letter dated January 7, 2020 from the Rockland County Department of Planning signed by Douglas J. Schuetz, Acting Commissioner of Planning.
13. A letter dated January 10, 2020 from Seth M. Mandelbaum, Attorney for Onyx Management Group LLC.
14. A letter dated January 9, 2020 from the Rockland County Sewer District No.1 signed by Joseph LaFiandra, Engineer II.
15. A no comment letter dated January 15, 2020 from Rockland County Department of Health signed by Elizabeth Mello, P.E., Senior Public Health Engineer.
16. A no comment letter dated January 3, 2020 from Dyan Rajasingham, Rockland County Highway Department.
17. A letter dated January 17, 2020 from the New York State Department of Transportation signed by Mohammed S. Islam, Assistant Engineer.
18. A letter dated January 22, 2020 from John T. Collins, Ph. D., P.E., Maser Consulting, Executive Principal.

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 seeks a Performance Standards Review for a proposed last mile distribution facility for Amazon.com Bulk parcel shipments will be shipped to the facility by truck, sorted, and loaded onto sprinter vans for delivery to their ultimate destination; in a zoned LO lot, the application is a Type II action exempt from the State Environmental Quality Review Act (SEQRA), pursuant to SEQRA Regulations §617.5 (c) (25); which does not require SEQRA environmental review. The motion was seconded by Ms. Castelli and carried as follows: Mr. Quinn, aye; Mr. Sullivan, aye; and Ms. Castelli, aye. Mr. Bosco was absent.

TOWN OF ORANGETOWN
2020 FEB 11 A 10:08
TOWN CLERK'S OFFICE

Seth Mandlebaum, Attorney, testified that the use of 200 Oritani and 400 Oritani is not changing; but that the tenancy is changing. The applicant will only be using the parking field at 877 Western Highway. This operation will create 215 new jobs; that there will be five shifts a day and operations will be 7 days a week, 24 hours a day. The traffic study prepared by Maser Consulting was done with the full use of the buildings being taken into consideration; that there will not be fuel storage on site; that the loading docks are inward on the site; that there is a berm with evergreen plantings that will mitigate any impacts of the surrounding properties; that this is an adaptive use of the two buildings, 200 & 400 Oritani; that 877 Western Highway has parking that is associated with 200 Oritani; that there is enough room to park 160 Sprinter Vans on Site; that they will separate the Resume of Operations and Equipment into two applications, one for 200 Oritani and one for 400 Oritani; that they would appreciate approval for the full buildout because that is what the traffic study was done on; that they plan on using all 98, 536 sq. ft. of the 400 Oritani building by mid 2021; that presently they would not be using all of the loading docks at 400 Oritani and they will return for the full build out if the Board deems that to be necessary; that they will provide the Board with a planting plan for the southwest corner of 400 Oritani going two hundred (200') feet to the south and two hundred (200') feet to the west; and they appreciate the Boards consideration.

Jamie Flynn, Real Estate Manager for Amazon, testified that this site will be used for local deliveries; that the operation will use this space as a delivery station for local delivery by Sprinter vans; that this is an evolving operations and Amazon is trying to deliver faster and more efficiently; that the semi-trucks will be delivering to the site overnight hours, usually between 11:00 p.m. to 8:00 a.m.; that they are expecting about five to ten tractor trailers a night, at first; that they are planning on five shifts of delivery from the Sprinter vans and that would start from 7:00 or 7:30 a.m. and returning ten hours later; however that the revised delivery times may start at 10 a.m. and return no later than 8:00 p.m.; that the delivery area is within 45 miles of this delivery station; that Amazon is opening these stations all over the country; that there is enough parking for the Sprinter vans and the employees; that they will be using 7 loading docks and the drive –in door in phase I at 400 Oritani and the three drive –in doors will be used at 200 Oritani; that they will use the docks farthest away from the residences first; and that they will return for performance standards review if they must when they are at full operation of 400 Oritani.

John Collins, Principal Maser Consulting, author of the traffic study, testified that the traffic study was done for the warehouse operation at full use of the buildings (200 Oritani and 400 Oritani), and that would be 173,000 sq. ft. for both buildings. The traffic study was estimated for trucks, van and employees and heavy commuter traffic between 7:30 a.m. and 8:30 a.m. and 4:30 to 5:30 P.M.; and the report was for both 200 & 400 Oritani at their maximum use of both facilities; and that the traffic generated should not have a significant impact in the area.

Public Comment:

Dennis Noonan, 5 Sgt, DeMeola Road, Blauvelt, testified that he is not opposed to Amazon using this space; that he thinks it is a good use but he is concerned about the hours of operation and the larger trucks backing into the docks at night; that the reverse alarms on these trucks are loud; that he would ask for the semi-trucks to use the bays further away from the residents first and that he and his neighbors house at the corner of 400 Oritani are not heavily screened and more landscaping in that area may help to alleviate the noise.

TOWN OF ORANGETOWN
2020 FEB 11 A 10:07
TOWN CLERK'S OFFICE

Dan Sullivan, Chairman, stated that the applicant shall not use bays 11 through 15 at 400 Oritani until they return for the second phase of Performance Standards when the entire building will be utilized.

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 January 3, 2020 from Michael Weber, Chief Operator and Bruce Peters, Engineer III, memo dated January 7, 2020 Town of Orangetown Department of Environmental Management and Engineering (D.E.M.E.); memo dated December 17, 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 January 9, 2020 from Eamon Reilly, PE, Commissioner, Town of Orangetown Department of Environmental Management and Engineering (D.E.M.E.); the report dated January 3, 2020 from Michael B. Bettmann, Chief Fire Inspector, Town of Orangetown Bureau of Fire Prevention (B.F.P.); Rockland County Department of Planning dated January 7, 2020 signed by Douglas J. Schuetz, Acting Commissioner of Planning; the report dated January 9, 2020 from the Rockland County Sewer District No.1 signed by Joseph LaFiandra, Engineer II; the report from the New York State Department of Transportation dated January 17, 2020 signed by Mohammed S, Islam, Assistant Engineer; 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
2020 FEB 11 10:07
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 that the Applicant: (1) **Submit two revised Resume of Operations (200 Oritani and 400 Oritani) that complies with the comments contained in:** (1) report dated January 3, 2020 from Michael Weber, Chief Operator (2) Bruce Peters, Engineer III, memo dated January 7, 2020 Town of Orangetown Department of Environmental Management and Engineering (D.E.M.E.);(3) memo dated December 17, 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 January 9, 2020 from Eamon Reilly, PE, Commissioner, Town of Orangetown Department of Environmental Management and Engineering (D.E.M.E.); (5) the report dated January 3, 2020 from Michael B. Bettmann, Chief Fire Inspector, Town of Orangetown Bureau of Fire Prevention (B.F.P.);(6) Rockland County Department of Planning dated January 7, 2020 signed by Douglas J. Schuetz, Acting Commissioner of Planning; (6) the report dated January 9, 2020 from the Rockland County Sewer District No.1 signed by Joseph LaFiandra, Engineer II;(7) the report from the New York State Department of Transportation dated January 17, 2020 signed by Mohammed S, Islam, Assistant Engineer;(8) the applicant shall submit a planting plan for the southwest corner of 400 Oritani that includes evergreen planting 200' to the south and 200' to the west with a maintenance plan to ensure that the neighbors properties remain shielded from the activity at 400 Oritani as much as possible; **AND FURTHER RESOLVED**, that the applicants shall return for additional PERFORMANCE STANDARDS REVIEW OF OPERATIONS AT 400 ORITANI PRIOR TO EXPANDING TO FULL USE OF THE 400 ORITANI BUILDING; **AND STILL FURTHER RESOLVED** that at the 400 Oritani location, the applicant shall first utilize the ten loading docks at 400 Oritani farthest away from the adjacent residential neighborhood (the southwest corner of 400 Oritani) for incoming deliveries prior to using any other loading docks; 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 CLERK'S OFFICE
2020 FEB 11 10:07
TOWN OF ORANGETOWN

(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.


TOWN OF ORANGETOWN
2020 FEB 11 A 10:07
TOWN CLERK'S OFFICE

The foregoing Resolution, to approve the application for the requested conformance to Performance Standards with the following conditions that the applicant: : (1) **Submit two revised Resume of Operations (200 Oritani and 400 Oritani) that complies with the comments contained in:** (1) report dated January 3, 2020 from Michael Weber, Chief Operator (2) Bruce Peters, Engineer III, memo dated January 7, 2020 Town of Orangetown Department of Environmental Management and Engineering (D.E.M.E.);(3) memo dated December 17, 2019, from Dylan Hofsiss, 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 January 9, 2020 from Eamon Reilly, PE, Commissioner, Town of Orangetown Department of Environmental Management and Engineering (D.E.M.E.); (5) the report dated January 3, 2020 from Michael B. Bettmann, Chief Fire Inspector, Town of Orangetown Bureau of Fire Prevention (B.F.P.);(6) Rockland County Department of Planning dated January 7, 2020 signed by Douglas J. Schuetz, Acting Commissioner of Planning; (6) the report dated January 9, 2020 from the Rockland County Sewer District No.1 signed by Joseph LaFiandra, Engineer II;(7) the report from the New York State Department of Transportation dated January 17, 2020 signed by Mohammed S, Islam, Assistant Engineer;(8) the applicant shall submit a planting plan for the southwest corner of 400 Oritani that includes evergreen planting 200' to the south and 200' to the west with a maintenance plan to ensure that the neighbors properties remain shielded from the activity at 400 Oritani as much as possible; **AND FURTHER RESOLVED**, that the applicants shall return for additional PERFORMANCE STANDARDS REVIEW OF OPERATIONS AT 400 ORITANI BUILDING; PRIOR TO EXPANDING TO FULL USE OF THE 400 ORITANI BUILDING; **AND STILL FURTHER RESOLVED** that at the 400 Oritani location, the applicant shall first utilize the ten loading docks farthest away from the adjacent residential neighborhood (the southwest corner of 400 Oritani) for incoming deliveries prior to using any other loading docks; was presented and moved by Mr. Sullivan, seconded by Mr. Quinn and carried as follows: Mr. Quinn, aye; Mr. Sullivan, aye, and Ms. Castelli, 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: January 22, 2020

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

TOWN CLERK'S OFFICE
2020 FEB 11 A 10:07
TOWN OF ORANGETOWN