

**PB #24-20: 11 Shadyside Site Plan
Final Site Plan Approval Subject to Conditions
Neg. Dec.**

Permit #BLDC 4132-23

Town of Orangetown Planning Board Decision

March 27, 2024

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TO: Jamie Bedard, DR Pilla, 143 Main Street, Nyack, New York 10960
FROM: Orangetown Planning Board

RE: 11 Shadyside Avenue Site Plan: The application of Dominick Pilla, applicant for Clara Engmann, owner, for an Prepreliminary/ Preliminary/ Final Plan Review at a site known as “**11 Shadyside Avenue Site Plan**”, for existing work, located in the Critical Environmental Area, in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21A of the Code of the Town of Orangetown and to determine the environmental significance of the application pursuant to the requirements of the New York State Environmental Quality Review Act. The site is located at 11 Shadyside Avenue, Upper Grandview, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 66.17, Block 1, Lot 7 in the R-22 zoning district.

Heard by the Planning Board of the Town of Orangetown at meeting held **March 27, 2024** at which time the Board made the following determinations:

Sarah Murry appeared and testified before the Board.

The Board received the following communications:

1. Project Review Committee Report dated March 13, 2024.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, from Jane Slavin, Director, Deputy Building Inspector dated March 25, 2024.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E. dated March 25, 2024.
4. Interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by David Majewski, Chief Fire Inspector dated January 11, 2024.
5. Letter from Brooker Engineering, signed by Kenneth DeGennaro, PE, dated March 19, 2024.
6. Letter and Notice from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner and Jake Palant, dated February 28, 2024.

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7. Letter and Notice from Rockland County Department of Health, signed by Brandon Durant, Ph.D, Assistant Public Health Engineer dated March 11, 2024.
8. Letter from Rockland County Sewer District No. 1, signed by Nicholas King, Engineer I, dated March 7, 2024.
9. Notice from the Rockland County Highway Department, dated February 28, 2024.
10. Notices from the Town of Orangetown Zoning Board of Appeals, signed by Tom Quinn, Acting Chairman, dated September 28, 2024.
11. Copy of the Short Environmental Assessment Form, dated January 27, 2023, signed by Thomas Bertussi, Principal.
12. Site Plans prepared by DR Pilla, dated January 29, 2024.
13. Referral from the Building Department signed by Rick Oliver, dated October 3, 2023.

A motion was made to open the Public Hearing portion of the meeting by Michael Mandel, Vice Chairman and seconded by Andrew Andrews and carried as follows: Thomas Warren - Chairman, aye; Denise Lenihan, aye; Michael Mandel, Vice Chairman, aye; Kevin Farry, aye; Michael McCrory, aye; Andrew Andrews, aye; Bruce Bond (alternate member), not voting and Lisa DeFeciani, aye.

There being no one from the Public a motion was made by Michael Mandel, Vice Chairman and seconded by Andrew Andrews and carried as follows: Thomas Warren - Chairman, aye; Denise Lenihan, aye; Michael Mandel, Vice Chairman, aye; Kevin Farry, aye; Michael McCrory, aye; Andrew Andrews, aye; Bruce Bond (alternate member), not voting and Lisa DeFeciani, aye.

SEQRA

Pursuant to New York Code, Rules & Regulations (NYCRR) Section 617.7, the Town of Orangetown Planning Board, as lead agency, for the reasons articulated in this Board's analysis of all of the submissions by the applicant, interested agencies, departments and the public, with respect to this project including the Environmental Assessment Form, which reasons are summarized in the motion, hereby determines that the proposed action will not have a significant impact on the environment and a Draft Environmental Impact Statement (DEIS) will not be prepared.

On motion by Michael Mandel, Vice Chairman and seconded by Michael McCrory and carried as follows: Thomas Warren – Chairman, aye; Denise Lenihan, aye; Michael Mandel, Vice Chairman, aye; Kevin Farry, aye; Michael McCrory, aye; Lisa DeFeciani, aye; Bruce Bond (alternate member), not voting, and Andrew Andrews, aye; the Board declared itself Lead Agency.

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After having identified the relevant areas of environmental concern, namely drainage, surface water runoff, land clearing, vegetation, fauna, traffic and noise levels, and after having taken a hard look at said environmental issues, and after having deliberated regarding such concerns, and having heard from the applicant, and the applicant's consultant and having heard from the following

offices, officials and/or Departments: (Town of Orangetown): Office of Building, Zoning, Planning Administration and Enforcement and Department of Environmental Management and Engineering; and having heard from the following involved and interested agencies: Town of Orangetown Zoning Board of Appeals, , Rockland County Sewer District #1, Rockland County Department of Health, Rockland County Department of Highways, Rockland County Planning Department, and having reviewed the drawings presented by the applicant's professional consultants; a summary of the reasons supporting this determination are, and the Planning Board finds that the proposed action:

- Will not significantly affect existing air quality or noise levels;
- Will not significantly affect existing surface water quality or quantity or drainage;
- Will not significantly affect existing ground water quality or quantity;
- Will not significantly affect existing traffic levels;
- Will not create a substantial increase in solid waste production;
- Will not create a potential for erosion, flooding, leaching or drainage problems;
- Will not have a significant adverse impact on the environmental characteristics of our critical environmental area or environmentally sensitive sites or features;
- Will not have an impairment of the character or quality of important historical, archeological or architectural resources;
- Will not have an impairment of the character or quality of important aesthetic resources;
- Will not have an impairment of existing community or neighborhood character;
- Will not remove or destroy large quantities of vegetation or fauna;
- Will not remove or destroy large quantities of wildlife species or migratory fish;
- Will not have a significant adverse impact to natural resources;
- Is consistent with the Town of Orangetown Comprehensive/Master Plan;
- Will not have adverse economic or social impacts upon the Town;
- Will not create a hazard to human health; and
- Will not create a substantial change in the use of land, open space or recreational resources.

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On motion by Michael Mandel, Vice Chairman and seconded by Andrew Andrews and carried as follows: Thomas Warren – Chairman, aye; Denise Lenihan, aye; Michael Mandel, Vice Chairman, aye; Kevin Farry, aye; Michael McCrory, aye; Lisa DeFeciani, aye; Bruce Bond (alternate member), not voting, and Andrew Andrews, the Board made a Negative Declaration pursuant to SEQRA.

DECISION: In view of the foregoing and the testimony before the Board, the application was granted **Final Site Plan Approval Subject to the Following Conditions:**

1. The following note shall be placed on the Site Plan: “At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a meeting.”
2. The following note shall be placed on the Site Plan regarding Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.
3. The applicant is reminded that no work can begin and no permit will be issued until all comments are met from the various agencies, all approvals are obtained, the Final Site Plan is stamped and the construction plans are reviewed and approved by the inspector.
4. Application is for the legalization of work done without the required approvals and permits.
5. The plans indicate that the scope is for the parking area and retaining walls around the parking area and the retaining wall on the north side of the property. Review of the town records indicate that the retaining wall and concrete wall at the south side of the dwelling were also constructed without the required permits/approvals

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6. The deck on the east side of the house and the shed below were also not previously reviewed and approved. The applicant has indicated that these will be removed.

7. The actual square footage of the added parking area must be provided.

8. The EAF must be revised as follows;
#2 shall be checked YES – building permit
#5 (a) and (b) shall be YES

9. The railroad tie wall and any segmented wall over 4 feet in height shall be certified, signed and sealed by a Professional Engineer and submitted to the Town of Orangetown Planning Board Office.

10. All existing areas to be removed or legalized shall be dimensioned on the drawings.

11. The applicant's engineer shall provide a signed and sealed letter providing the impervious area calculations for all of the areas that are to be removed or legalized. This table shall demonstrate final total area of impervious surface that is to remain, after the removals.

12. The applicant/ applicant's engineer is reminded that if the total area of impervious surface (to remain) is over 400 SQFT, stormwater detention facilities must be designed for these areas, up to and including the 100-yr. storm

13. The finished ground surface cover, in the area of any and all removals, shall be labeled on the plans.

14. All existing easements shall be shown on the plan, including page and liber or instrument number, metes & bounds, and ownership.

15. A soil erosion and sediment control plan and details shall be added to the drawings, for the proposed removal work. submitted to DEME for review and approval.

16. The Town of Orangetown Bureau of Fire Prevention reviewed the submitted information and had no comments at this time.

17. Drainage Review Recommendation – Brooker Engineering

The application has provided sufficient information to demonstrate that there are no potential significant impacts with respect to drainage can be mitigated. Brooker Engineering, the Planning Board's Drainage Consultant therefore recommends that the 11 Shadyside Site Plan be approved for drainage subject to the following Project Comments.

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Continuation of Condition #17...

Project Description:

This is the first drainage review report for this project. The application is for Planning Board review for accessory structures constructed without a building permit. These items consist of a driveway turnaround and two retaining walls.

Stormwater runoff flows downhill to the east towards Shadyside Avenue. Brooker Engineering visited the site and there was no evidence of erosion near the areas of unauthorized construction. The paved area added for the driveway turnaround maintains the preexisting drainage pattern. Stormwater runoff from this area flows toward Shadyside Avenue, which has an existing storm drainage system with catch basin inlets on the west side of Shadyside Avenue, abutting the project site. Stormwater runoff from the site flows directly towards the municipal right-of-way and does not travel onto private properties.

Existing drainage patterns were maintained during the unauthorized construction. The proposed action proposes to remove the existing deck at the northwest corner of the house to provide a net reduction of impervious area from the unauthorized construction. No stormwater mitigation measures are required and none are proposed.

Project Comments

1. Provide the breakdown of impervious areas on the Site Plan and calculations for reduction in impervious area.
2. Show the proposed ground cover and grading after the removal of the deck at the northwest corner of the house. Provide a drainage swale in this area.
3. Show walk locations in the area where the deck is being removed to connect the existing walks to remain to the rear paver walk.

18. Rockland County Department of Planning had the following comments which are incorporated herein as conditions of approval:

1. A review shall be completed by the New York State Department of Transportation and any required permits obtained.
- 2) A review must be done by the Rockland County Department of Health to ensure compliance with Article XIX (Mosquito Control) of the Rockland County Sanitary Code.
- 3) There shall be no net increase in the peak rate of discharge from the site at all design points.
- 4) Retaining walls shall be designed by a licensed NYS Professional Engineer and be in compliance with the NYS Fire Prevention and Building Code. Design plans shall be signed and sealed by the licensed NYS Professional Engineer.
- 6) The site plan shall indicate a bulk table proposal as well as required bulk values. It must also indicate the pre-existing, nonconforming conditions.
- 5) A vicinity map that contains a north arrow and scale must be provided. The map must include zoning district information.

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19. Based on the information provided, there are no Rockland County Department of Health approvals needed for this application.
20. Rockland County Sewer District No.1 had no objection to the plan as shown. This project does not affect any sanitary sewers within the District and requests no future correspondence for this site.
21. The applicant shall comply with all pertinent items in the Guide to the Preparation of Site Plans and Board Decisions prior to signing the final plans.
22. All reviews and approvals from various governmental agencies must be obtained prior to stamping of the Site Plan.
23. All of the conditions of this decision, shall be binding upon the owner of the subject property, its successors and/or assigns, including the requirement to maintain the property in accordance with the conditions of this decision and the requirement, if any, to install improvements pursuant to Town Code §21A-9. Failure to abide by the conditions of this decision as set forth herein shall be considered a violation of Site Plan Approval pursuant to Town Code §21A-4.
24. TREE PROTECTION: The following note shall be placed on the Site Plan: The Tree Protection and Preservation Guidelines adopted pursuant to Section 21-24 of the Land Development Regulations of the Town of Orangetown will be implemented in order to protect and preserve both individual specimen trees and buffer area with many trees. Steps that will be taken to reserve and protect existing trees to remain are as follows:
- a. No construction equipment shall be parked under the tree canopy.
 - b. There will be no excavation or stockpiling of earth underneath the trees.
 - c. Trees designated to be preserved shall be marked conspicuously on all sides at a 5 to 10-foot height.
 - d. The Tree Protection Zone for trees designated to be preserved will be established by one of the following methods:
 - One (1) foot radius from trunk per inch DBH
 - Drip line of the Tree Canopy. The method chosen should be based on providing the maximum protection zone possible. A barrier of snow fence or equal is to be placed and maintained one yard beyond the established tree protection zone. If it is agreed that the tree protection zone of a selected tree must be violated, one of the following methods must be employed to mitigate the impact:
 - Light to Heavy Impacts – Minimum of eight inches of wood chips installed in the area to be protected. Chips shall be removed upon completion of work.

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Continuation of Condition #24

- Light Impacts Only – Installation of ¾ inch of plywood or boards, or equal over the area to be protected.

The builder or its agent may not change grade within the tree protection zone of a preserved tree unless such grade change has received final approval from the Planning Board. If the grade level is to be changed more than six (6) inches, trees designated to be preserved shall be welled and/or preserved in a raised bed, with the tree well a radius of three (3) feet larger than the tree canopy.

25. All landscaping shown on the site plans shall be maintained in a vigorous growing condition throughout the duration of the use of this site. Any plants not so maintained shall be replaced with new plants at the beginning of the next immediately following growing season.

26. Prior to the commencement of any site work, including the removal of trees, the applicant shall install the soil erosion and sedimentation control as required by the Planning Board. Prior to the authorization to proceed with any phase of the site work, the Town of Orangetown Department of Environmental Management and Engineering (DEME) shall inspect the installation of all required soil erosion and sedimentation control measures. The applicant shall contact DEME at least 48 hours in advance for an inspection.

27. The contractor's trailer, if any is proposed, shall be located as approved by the Planning Board.

28. If the applicant, during the course of construction of any required public improvements or private sanitary or storm sewer improvements, encounters such conditions as flood areas, underground water, soft or silty areas, improper drainage, or any other unusual circumstances or conditions that were not foreseen in the original planning, such conditions shall be reported immediately to DEME. The applicant (or the applicant's engineer) shall submit their recommendations as to the special treatment or design modification to be given such areas to secure adequate, permanent and satisfactory construction. DEME shall investigate the condition(s), and shall either approve the applicant's (applicant's engineer's) recommendations to correct the condition(s), or order a modification thereof. In the event of the applicant's (applicant's engineer's) disagreement with the decision of DEME, or in the event of a significant change resulting to the subdivision plan or site plan or any change that involves a wetland regulated area, the matter shall be decided by the agency with jurisdiction in that area (i.e. Federal Wetlands - U.S. Army Corps of Engineers).

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29. Permanent vegetation cover of disturbed areas shall be established on the site within thirty (30) days of the completion of construction.

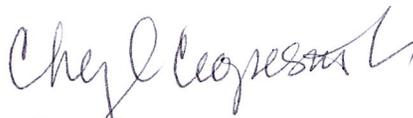
30. Prior (at least 14 days) to the placing of any road sub-base, the applicant shall provide the Town of Orangetown Superintendent of Highways and DEMA with a plan and profile of the graded road to be paved in order that these departments may review the drawings conformance to the approved construction plans and the Town Street Specifications

31. The Planning Board shall retain jurisdiction over lighting, landscaping, signs and refuse control.

The foregoing Resolution was made and moved by Kevin Farry seconded by Andrew Andrews and carried as follows: Thomas Warren - Chairman, aye; Denise Lenihan, aye; Michael Mandel, Vice Chairman, aye; Andrew Andrews, aye; Kevin Farry, aye; Lisa DeFeciani, aye; Kevin Farry, aye, Bruce Bond, (alternate member), not voting and Michael McCrory, aye.

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

Dated: March 27, 2024
Cheryl Coopersmith
Town of Orangetown Planning Board



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**State Environmental Quality Review Regulations
NEGATIVE DECLARATION
Notice of Determination of Non-Significance**

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This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Regulation) of the Environmental Conservation Law.

The PLANNING BOARD, TOWN OF ORANGETOWN, as Lead Agency, has determined that the proposed action described below will not have a significant impact on the environment and a Draft Environmental Impact Statement will not be prepared.

**NAME OF ACTION: 11 Shadyside Site Plan Final Site Plan Approval
Subject to Conditions**

SEQR STATUS: Type I _____ Unlisted XXXXXX
CONDITIONED NEGATIVE DECLARATION: Yes _____ No XXXXXX

DESCRIPTION OF ACTION: Site Plan Review

LOCATION: The site is located at 11 Shadyside Avenue, Upper Grandview, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 66.17, Block 1, Lot 7 in the R-22 zoning districts.

REASONS SUPPORTING THIS DETERMINATION:

The Orangetown Planning Board, as Lead Agency, determined that the proposed action will not have a significant impact on the environment and a Draft Environmental Impact Statement (DEIS) will not be prepared. The reasons supporting this determination are as follows:

The project will not have a significant impact upon the environment and a DEIS need not be prepared because the proposed action does not significantly affect air quality, surface or ground water quality, noise levels or existing external traffic patterns. In addition, it will have no impact upon the aesthetic, agricultural or cultural resources of the neighborhood. No vegetation, fauna or wildlife species will be affected as a result of this proposed development. The proposed action is consistent with the Town of Orangetown's Master Plan and will not have any adverse economic or social impacts upon the Town or its businesses or residences.

If Conditioned Negative Declaration, the specific mitigation is provided on an attachment.

For Further Information contact:

Office of Building, Zoning and Planning

Administration and Enforcement; Town of Orangetown; 20 Greenbush Road
Orangeburg, NY 10962; Telephone Number: 845-359-5100

For Type I Actions and Conditioned Negative Declarations, a copy of this notice is sent: - Commissioner, New York State Department of Environmental Conservation, - Region 3 Headquarters, NYSDEC, - Town Supervisor, Applicant - Involved Agencies

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