

ZONING BOARD OF APPEALS

Town of Orangetown
20 Greenbush Road
Orangeburg, New York 10962
(914) 359-8410 (ex. 4331)

Date: November 30, 2022

TO: OBAPAE

- Environmental Management and Engineering
- ✓ Rockland County Sewer District #1
- ✓ New York State Dept. of Transportation
- Palisades Interstate Park Commission
- Orange and Rockland Utilities
- Orangetown Highway
- Fire Prevention (Performance Standards)

- Rockland County Drainage ✓
- Rockland County Health ✓
- Rockland County Planning ✓
- Rockland County Highway ✓

Review of Plans: Ferrante Site Plan, 1031 Route 9W, Upper Grandview, NY
Section 71.09 Block 1 Lot 17 R-22 zone

This matter is scheduled for:

Chapter 43, R-22 District, Group I, Section 3.12, Column 4 (Floor Area Ratio: .20 permitted, .23 existing) and from Section 5.227 (a building or structure accessory to a single-family ...may be located in any rear or side yard: an accessory structure is located in the front yard: carport is over property line by 1.3': a stucco shed is located 3.4' from the north property line and 5' is required); Section 5.153 (Accessory structure shall be 15' from primary structure: carport is 8.5' from primary structure: Pergola is 4.4' from primary structure) The premises are located at 1031 Route 9W, Upper Grandview New York and identified on the Orangetown Tax Map as Section 71.09, Block 1, Lot 17 in the R-22 zoning district.

Please review the information enclosed and provide comments. These comments may be mailed , e-mailed or faxed to the Zoning Board Office.

If your Agency does not have any comments at this time, please respond to this office by sending back this sheet.

- US Postal: 20 South Greenbush Road, Orangeburg, NY 10962
- Email to Zoning Board: darbolino@orangetown.com or
- Fax to the Town of Orangetown ZBA @845 359 8526

Zoning Board Meeting Date: January 18, 2023

- () Comments attached
- () No Comments at this time. Please send future correspondence for review.
- () No future correspondence for this site should be sent to this agency. Plans reviewed and this agency does not have any further comments.
- () This project is out of the jurisdiction of this agency and has no further comments.

This project is before the Zoning Board on **Wednesday, January 18, 2023**. **Kindly forward your completed review to this office by January 18, 2023.**

Reviewing Agency _____

Name _____ date: _____

Signature: _____



OFFICE OF BUILDING, ZONING, PLANNING
ADMINISTRATION AND ENFORCEMENT
TOWN OF ORANGETOWN
20 GREENBUSH ROAD
ORANGEBURG, N.Y. 10962

Jane Slavin, RA
Director

(845) 359-8410

Fax: (845) 359-8526

Date: November 8, 2022

To: Debbie Arbolino, Clerk
Zoning Board

From: Jane Slavin, RA.,
Director O.B.Z.P.A.E. 

Subject: **Ferrante Site Plan**
1031 Route 9W, Upper Grandview
71.09/1/17; R-22 zoning district

Submission Reviewed:

As-Built Pool Site Plan package as prepared by Jay A. Greenwell, last revised 10/19/2022.

- 1) The Roofed Car Port is shown as being located 1.3' over the property line on 9W. The structure must be removed or obtain approval from NYS.
- 2) The following variances are required:
 - a) Per Chapter 43, Article V, section 5.227, "A building or structure... accessory to a single-family... may be located in any required rear yard or side yard..." Variance required for accessory structure located in front yard.
 - b) The car port is located 8.5' from the main dwelling, per Chapter 43, Article V, section 5.153; Location of accessory buildings ...no accessory building ... shall be closer to any principal building ... than a distance equal to the height of such accessory building... and in no event less than 15 feet.
 - c) The Stucco Shed is located 3.4' from the north property line with 5' required.
 - d) The Pergola is located approximately 4.4' from the main dwelling, per Chapter 43, Article V, section 5.153; Location of accessory buildings ...no accessory building ... shall be closer to any principal building ... than a distance equal to the height of such accessory building... and in no event less than 15 feet.
 - e) The bulk table indicates that the FAR of .23 is an existing condition, however this is not factual as the roofed over carport, shed and pergola were constructed without obtaining the required permits and CO's. Per chapter 43, table 3.12, R-22 District, Column 4, max FAR permitted is .20 with .23 proposed.

JS 11-8-2022



Architecture + Design

FLOOR AREA RATIO ANALYSIS

Town of Orangetown Ch. 43/Att 13 Table of Bulk Requirements

Address **1031 Route 9W/Upper Grandview NY 10960**

Owner **Lisa Ferrante**

Section/Block/Lot **71.09-1-17**

Zone **R-22**

Group **I**

Current Use **Single Family Residence**

Proposed Use **Single Family Residence**

#/Stories **2.5**

Const Type **VB**

Occupancy Class **R-3**



EXISTING SF/PRINCIPAL BUILDING

INTERIOR

Lower Floor Level	1,146
Main Floor Level	2,500
Upper Floor Level	2,042
Upper Floor Level/Mezzanine	309
Subtotal Existing SF/Principal Building Interior	5,997

EXTERIOR

Main Floor Level/Roofed Porch	417
Subtotal Existing SF/Principal Building Exterior	417
TOTAL EXISTING SF/Principal Building	6,414

EXISTING SF/ACCESSORY STRUCTURES

Storage Shed/Former Outhouse	170
Pergola	272
Carport	520
TOTAL EXISTING SF/Accessory Structures	962

SUMMARY

MAX ALLOWABLE FLOOR AREA RATIO (FAR)	0.20
Total Enclosed SF/Principal Bldg Interior Only	5,997
Existing Lot Area SF	31,900
EXISTG FAR/Principal Bldg Interior Only	0.19
Total SF/Principal Bldg & Accessory Structures	7,376
Existing Lot Area SF	31,900
EXISTG FAR/Principal Bldg & Accessory Structures	0.23

Name of Municipality: TOWN OF ORANGETOWN Date Submitted: _____

2020 LAND USE BOARD APPLICATION

Please check all that apply:

<input type="checkbox"/> Commercial	<input type="checkbox"/> Residential
<input type="checkbox"/> Planning Board	<input type="checkbox"/> Historical Board
<input checked="" type="checkbox"/> Zoning Board of Appeals	<input type="checkbox"/> Architectural Board
<input type="checkbox"/> Subdivision	<input type="checkbox"/> Consultation
<input type="checkbox"/> Number of Lots	<input type="checkbox"/> Pre-Preliminary/Sketch
<input type="checkbox"/> Site Plan	<input type="checkbox"/> Preliminary
<input type="checkbox"/> Conditional Use	<input type="checkbox"/> Final
<input type="checkbox"/> Special Permit	<input type="checkbox"/> Interpretation
<input type="checkbox"/> Variance	
<input type="checkbox"/> Performance Standards Review	
<input type="checkbox"/> Use Variance	
<input type="checkbox"/> Other (specify): _____	

PERMIT#: _____
ASSIGNED _____
INSPECTOR: _____

Referred from Planning Board: YES / NO
If yes provide date of Planning Board meeting: _____

Project Name: Ferrante - Above Ground Pool

Street Address: 1031 Route 9W
Upper Grandview, NY 10960

Tax Map Designation:
Section: 71.09 Block: 1 Lot(s): 17
Section: _____ Block: _____ Lot(s): _____

Directional Location:
On the East side of Route 9W, approximately 125 feet North of the intersection of Treeline Terrace, in the Town of ORANGETOWN in the hamlet/village of Upper Grandview.

Acreage of Parcel <u>.73</u>	Zoning District <u>R-22</u>
School District <u>Nyack</u>	Postal District <u>Nyack</u>
Ambulance District <u>Nyack</u>	Fire District <u>Nyack</u>
Water District <u>Veolia</u>	Sewer District <u>Orangetown</u>

Project Description: *(If additional space required, please attach a narrative summary.)*
Approval of a Pool

The undersigned agrees to an extension of the statutory time limit for scheduling a public hearing.

Date: 8/16/22 Applicant's Signature: [Signature]

APPLICATION REVIEW FORM

FILL IN WHERE APPLICABLE.

(IF THE FOLLOWING DOES NOT APPLY PLEASE MOVE ON TO THE NEXT PAGE)

If subdivision:

- 1) Is any variance from the subdivision regulations required? _____
- 2) Is any open space being offered? ____ If so, what amount? _____
- 3) Is this a standard or average density subdivision? _____

If site plan:

- 1) Existing square footage _____
- 2) Total square footage _____
- 3) Number of dwelling units _____

If **special permit**, list special permit use and what the property will be used for.

Environmental Constraints:

Are there **slopes greater than 25%**? If yes, please indicate the amount and show the gross and net area _____

Are there **streams** on the site? If yes, please provide the names. _____

Are there **wetlands** on the site? If yes, please provide the names and type:

Project History:

Has this project ever been reviewed before? _____

If so, provide a narrative, including the list case number, name, date, and the board(s) you appeared before, and the status of any previous approvals.

List tax map section, block & lot numbers for all other abutting properties in the same ownership as this project.

PB #22-10: Ferrante Site Plan **Permit #35475**
Critical Environmental Area
Preliminary Site Plan Approval Subject to Conditions
Neg. Dec.

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12. Copy of PB#10-03, Preliminary Site Plan Approval Subject to Conditions, dated February 26, 2014.
13. Site Plan prepared by Jay Greenwell, PLS, dated August 27, 2020.

The Board reviewed the plans. The hearing was then opened to the Public. A motion was made to open the public portion of the Hearing by Andrew Andrews and seconded by Denise Lenihan and carried as follows: Thomas Warren, Chairman, absent; Michael Mandel, aye; Michael McCrory, aye; Stephen Sweeney, absent; Andrew Andrews, aye; Denise Lenihan, aye; Kevin Farry, aye; and Lisa DeFeciani, aye.

SEQR

There being no one from the Public, a motion was made to close the Public Hearing portion of the meeting by Andrew Andrews and seconded by Denise Lenihan and carried as follows: Thomas Warren, Chairman, absent; Michael Mandel, aye; Michael McCrory, aye; Stephen Sweeney, absent; Andrew Andrews, aye; Denise Lenihan, aye; Kevin Farry, aye; and Lisa DeFeciani, aye.

The proposed action is classified as an "unlisted action" as defined by Section 617.2 (al) of the New York State Environmental Quality Review Regulations (SEQRR). No agency, other than the Orangetown Planning Board will have any significant involvement in the review process, pursuant to Section 617.6 of SEQRA. On motion by Michael Mandel and seconded by Andrew Andrews and carried as follows: Thomas Warren, Chairman, absent; Michael Mandel, aye; Michael McCrory, aye; Stephen Sweeney, absent; Andrew Andrews, aye; Denise Lenihan, aye; Kevin Farry, aye; and Lisa DeFeciani, aye, the Board declared itself Lead Agency.

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.

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

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**PB #22-10: Ferrante Site Plan
Critical Environmental Area
Preliminary Site Plan Approval Subject to Conditions
Neg. Dec.**

Permit #35475

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having deliberated regarding such concerns, and having heard from the applicant's consultant Jay Greenwell, PLS 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 Health and Rockland County Sewer District #1, and having reviewed the drawings presented by the applicant's professional consultant; Jay Greenwell, PLS, 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.

On motion by Michael Mandel and second by Andrew Andrews and carried as follows: Thomas Warren, Chairman, absent; Michael Mandel, aye; Michael McCrory, aye; Stephen Sweeney, absent; Andrew Andrews, aye; Denise Lenihan, aye; Kevin Farry, aye; and Lisa DeFeciani, aye, the Board made a Negative Declaration pursuant to SEQRA.

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DECISION: In view of the foregoing and the testimony before the Board, the application was granted **Preliminary 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. All outdoor construction activities, including site clearing operations if applicable, shall take place between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday. No such activities shall take place on Sunday or a legal holiday. The same criteria shall apply to indoor construction activities, except that such activities may take place between the hours of 7:00 a.m. and 10:00 p.m.
4. Please see DEME letter dated 2-18-2022 for the project history.
5. The applicant received preliminary approval on February 26, 2014, PB#10-03. As per Bruce Peters letter dated 2-18-2022, the as-built pool site plan has significant differences when compared to the previous submissions. This application should be considered an AMENDMENT to PB#10-03 and a new SEAF must be submitted.
6. Applicant must provide break down of all area calculations including all of the accessory structures.

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7. The Roofed Car Port is shown as being located 1.3' over the property line on 9W. The structure must be removed or:

- a. Obtain approval from NYS.
- b. Per Chapter 43, Article V, section 5.227, "A building or structure... accessory to a single-family... may be located in any required rear yard or side yard..." Variance required for accessory structure located in front yard.
- c. The car port is located approximately 10' from the main dwelling, per Chapter 43, Article V, section 5.153; Location of accessory buildings ...no accessory building ... shall be closer to any principal building ... than a distance equal to the height of such accessory building... and in no event less than 15 feet. The dimension shall be clearly indicated on the plan and a variance obtained from the Zoning Board of Appeals.

8. The Stucco Shed is located 3.4' from the north property line, a Zoning Variance is required.

9. The Pergola is located approximately 5' from the main dwelling, per Chapter 43, Article V, section 5.153; Location of accessory buildings ...no accessory building ... shall be closer to any principal building ... than a distance equal to the height of such accessory building... and in no event less than 15 feet. The dimension shall be clearly indicated on the plan and a variance obtained from the Zoning Board of Appeals.

10. Per Chapter 2, Section 2-4, ACABOR review and approval is required.

11. DEME offered the following comments:

In order for DEME to review the current application, it was necessary to research the existing file, which begins just about 18 years ago in 2004. In order to explain and understand the comments and recommendations below, the following is a brief history based on the file:

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Continuation of Condition #11...

A. Applicant appears before Planning Board on 3/10/04 – receives Refer to Comments.

1.) Submits one plan showing existing conditions – existing house with existing **WOOD** patio immediately behind the house (on east side.) Drawing entitled “Survey of Lot #1 of 607 Homes” by William Youngblood Assoc., dated 4/19/1995, rev. 5/09/95. - Exhibit “A”

2.) Submits second plan set showing inground pool beyond (east of) existing wood deck, various retaining walls, walkways, retaining walls, pavers over concrete slab surrounding proposed inground pool, existing septic system, perforated piping for drainage, leeching well, etc. – Drawings entitled “Proposed: Inground Pool: General Site Location”, Dwg. Ar-02, by Stefan Bacal, P.E. (no Company Name) dated 11/03 and “Proposed: Inground Pool: Drainage Plan”, Dwg. Ar-08, by Stefan Bacal, P.E. (no Company Name) dated 11/03 - Exhibit “B”

3.) LMS/ H. Goldberg, P.E. (drainage consultant to the Planning board at the time) provides a review to the Planning Board and states applicant proposes in-ground pool with items like spa, retaining walls, walkways, deck, slab, etc. He also mentions that plan shows underdrain, drywell but no drainage calculations. He too requests drainage calculations, demonstrate zero net increase in runoff for 100 yr. Storm, etc. – letter dated 2/27/04 - Exhibit “C”

4.) Besides proper site plan, datum for contours and SESC plans, this Department requests drainage calculations and onsite storage to achieve zero net increase in runoff. DEMA Letter dated 3/04/04 - Exhibit “D”, PB #04-26, conditions 7-9 – Exhibit “E.”

*- Please note, this Department’s exact comments were not all adopted as specified in our letter of 3/04/04. However, PB #04-26, condition #9 does specify that drainage calculations be supplied “...to demonstrate ... no net increase in runoff from the site under a 24-hour, 100-year Type III storm.” Condition #9 then gives the option of field determining a perc rate or assuming one “... to define seepage pit percolation during the storm...” which implies a seepage pit will be required. Also, PB# 04-26 condition #21 (Exhibit “E”) calls for compliance with Stormwater Management Phase II regulations, which would also include/ require attenuation of “new” stormwater flows created by the proposed project, along with SESC plans and details.

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B. Applicant applies to appear for Planning Board Meeting of July 13, 2005 – Exhibit “F.” Applicant withdraws application.

1. Submits plan set which now shows a paver patio as “existing” directly behind the house, not a wood deck/ patio. As documented above, the previous submission (Exhibit “A”) had a wood deck/ patio as existing. Within one year and while technically before the Planning Board, the existing wood deck was replaced by (purported existing) pavers without Planning Board approval or any other approval that can be found in the files. Also, drawings now show/ call out an above ground pool and lawn area surrounding the pool. Plans do not show existing septic system or any proposed drainage. Drawings entitled “Proposed: Above -Ground Pool Site Location Plan” dwg. ID-1, by Stefan Bacal (no Company Name) dated 4/05 and “Proposed: Above-Ground Pool Existing Plan Layout”, dwg. ID-2, by Stefan Bacal (no Company Name) dated 4/05 - Exhibit “G”

2. HDR/LMS/ H. Goldberg, P.E. (drainage consultant) provides a review to the Planning Board and also notes all these changes/ omissions/ discrepancies (as to what is now labeled as existing) on the plans. He again requests drainage calculations and demonstration of zero net increase in runoff for up to 100 yr. storm. Letter dated 7/05/05 – Exhibit “H”

3. This Department composed a review; however, it was not sent due the application apparently being pulled from agenda. In it, the request for drainage calculations, SESC plans etc., was reiterated.

C. Applicant applies to appear for Planning Board Meeting of January 13, 2010 – Exhibit “I.” Project **Continued: For Review (continued by applicant)**

1. It is unclear as what, if any, new or revised drawings were submitted with this application.

2. HDR/ H. Goldberg, P.E. (drainage consultant) provides review to the Planning Board and again notes all these changes/ omissions/ discrepancies on the plans. He states that these unapproved changes have increased impervious area on the site. He again requests a drainage plan with calculations and demonstration of zero net increase in runoff for up to 100 yr. storm (noting that none of this was submitted with the application). – Letter dated 12/30/09 - Exhibit “J”

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3. The Rockland County Department of Highways requests that Town of Orangetown Land Use Boards "...*should ensure a zero-net increase in runoff from the site shall be achieved to minimize any possible adverse impact on roadways and neighboring parcels.*" Letter dated 1/05/09 – Exhibit "K"

4. This Department requests applicant to provide proper site plan, and applicant's engineer to provide drainage calculation if total new impervious is over 400 SQFT. Letter dated 1/08/10 - Exhibit "L"

5. Donald Brenner, Atty., P.E. (attorney for applicant) submits a letter, dated 1/11/10 – Exhibit "M" to HDR/LMS/ H. Goldberg, P.E. stating that permission had been received to construct the pool on 5/25/05 from the Building Department. The letter goes on to state that the pool was installed in 2007, along with a footing wall and concrete piers. Attached was a letter from Edward S. Gellman R.A. (dated 1/07/10 – Exhibit "N") calculating the area of disturbance caused by the wall footings and piers for the deck around the pool. These calculations show an area of disturbance of 208 SQFT. The letter then states that because the total SQFT is under 400 SQFT, no drainage analysis is required. These calculations were and are **inadequate and unacceptable** because they do not include the pool, the paver patio that replaced the wood patio/ deck immediately behind the pool, the paver patio around the pool, the retaining walls, the walkways, etc.

D. Applicant appears before Planning Board on 3/10/14 – receives Preliminary Site Plan Approval with conditions. – Exhibit "O" *-Note the Decision number is from 2010 because of Continuation by applicant.

1. Submits 2 plans: Drawing entitled "Pool AS-BUILT Survey" by Christopher J. Lantelme, L.S., dated 9/10/09, rev. 9/28/09. - Exhibit "P." *- Note, this plan does **NOT show carport**, indicating it was constructed sometime after. Drawings entitled "Partial Floor Plan Partial Foundation Plan" by Raymond Hartwick, R.A. & Edward S. Gellemn, R.A., dated 10/15/09.

2. All previously submitted comments/ recommendations, submitted for the January 10, 2010 Planning Board meeting from HDR/ LMS/ H. Goldberg, P.E., this Department and various Departments and Agencies, are read/ included into the record.

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3. Brooker engineering/ K. DeGennaro, P.E. (drainage consultant) provides a review to the Planning Board (Letter dated 2/26/14 – Exhibit Q.) His review of the drainage calculations is based on calculations provided to Mr. Ferrante by McLaren Engineering Group (letter dated 2/24/14.) Mr. DeGennaro notes that since 2009 approximately 3180 SQFT of new impervious surface has been added to the site. It should be noted that the size of the impervious area that Mr. DeGennaro refers to is from a sketch drawing (SK-1 – Exhibit "R") provided in the aforementioned drainage calculations. This map specifically excludes the unapproved constructed impervious areas. e.g. upper paver patio (behind the house that was formerly a wooden deck), walkways. It also excludes a roofed car port (which is shown on current drawing application) at the south west corner of the lot. It is unclear when the car port was constructed. He also notes that *"The application has provided drainage calculations to demonstrate that potential significant adverse impacts with respect to drainage can be mitigated."* Mr. DeGennaro also notes, in PB# 10-03, condition 12-1, that the calculations do not include the pool area, which they should.

4. This Department requests applicant to provide proper site plan, and applicant's engineer to provide drainage calculation if total new impervious is over 400 SQFT. Letter dated 2/20/14.

Therefore, based on the above, this Department has the following comments/ recommendations.

(1). The drainage calculations from McLaren Engineering Group (2/26/14), supplied for the PB# 10-03 submission are incomplete and unacceptable for the following reasons:

- a. The study area, as shown on drawing SK-1 of the calculations (Exhibit "R"), does not include all of the unapproved/ "new" impervious surfaces/ areas: the upper patio (directly behind the house that was formerly a wooden deck as depicted on Exhibit "A"), the walkway from the upper deck to pool area, stone area along upper patio and car port. This means that both the pre and post construction calculations are missing a large portion of area that needs to be included in the calculations.
- b. The drainage calculations purposely exclude the pool area. The pool area is impervious and must be treated as so in the post construction calculations.

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c. In connection with item 1.a and 1.b above, the post construction, impervious sub area analyzed is too small. it excludes impervious areas that must be accounted for.

(2). Revised drainage calculations, prepared and sealed by a New York State Licensed Professional Engineer, shall be submitted to this Department for review and approval. These calculations shall include, at a minimum, the following **NEW** impervious areas: the pool (this Department does not consider the pool as pervious as excess stormwater could flow out of the pool during a large storm/ mico burst/ 100 yr. storm, etc.), upper patio immediately behind house (which replaced wood deck), patio around the pool, car port, retaining walls, walkways, pool equipment area, various gravel areas, etc. Please be advised that none of these items can be considered existing as none of them ever received Final Approval from the Planning Board. Therefore, the existing condition of these areas must be grass/ undisturbed/ natural (as shown on Exhibit A) This Department considers the original wood deck as pervious as woods decks were normally constructed over existing natural grades with posts and had gaps between the joints.

(3). Based on the size of the new impervious area, the applicant's engineer shall design onsite storage to achieve a zero-net increase in runoff from these new impervious areas up to and including the 100-yr. storm.

(4). There is a drain that is labeled at the end of a gravel areas by the pool equipment location. Is there piping connected to this drain? Where does the piping (if existing)/ drain exhaust? This shall be made part of the required drainage calculations and onsite storage requirement.

(5). Soil analysis, perc tests and determination of groundwater elevations shall be performed at all proposed surface and subsurface detention system locations. These tests/ investigations shall be performed in the spring or fall when the ground water table is typically at its highest. **These tests shall be performed PRIOR to this proposal receiving Final Approval to ensure the adequacy of the design.** The information/ test results/ elevations shall be added and incorporated into the drainage calculations. This Department shall be notified at least 48 hours in advance of these field tests/ investigations. Copies of all correspondence related to this issue shall be submitted to this Department. The applicant's engineer is reminded that, as per the NYSDEC Stormwater Management Design Manual, "*The bottom of the infiltration facility shall be separated by at least three (3) feet vertically from the seasonally high ground water table or bedrock layer.*"

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(6). Soil erosion and sediment control plans and details shall be submitted to this Department for review and approval.

(7). A post construction stormwater maintenance agreement for the proposed stormwater systems shall be submitted to this Department and the Town Attorney's office for review and approval. Said agreement shall include a maintenance and management schedule, inspection check list, contact person with telephone number, yearly report to be submitted to this Department, etc.

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

13. Drainage Review Recommendation – Brooker Engineering

The application has provided drainage calculations to demonstrate that potential significant adverse impacts with respect to drainage can be mitigated. Brooker Engineering, the Planning Board's Drainage Consultant therefore recommends that the Ferrante Site Plan be approved for drainage subject to the following project comments.

Project Description

This is the second drainage review report to the Planning Board for this project; the last review was dated February 26, 2014. The project consists of construction of an above ground swimming pool and patios, which were constructed in about 2009. The total land disturbance is approximately 0.073 acres (3180 square feet).

Project Comments

1. As per the February 24, 2014 review, the drainage calculations assume the pool will store all rainfall over the pool. However, the 100-year 24-hour rainfall utilized is 9.0 inches, which is unlikely to be stored entirely in the pool without overflowing and running off the property. The drainage calculations shall be revised and shall include the drainage area for the pool as an impervious area that contributes stormwater runoff in the post construction drainage analysis.
2. As per the February 24, 2014 review, minor discrepancies between the calculations and site plan shall be corrected. The calculations show 0.059 acres as the subarea generating runoff for post construction conditions, which is based on a pool area of 0.014 acres. The SK-1 drawing shows the pool as having an area of 0.011 acres.

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21. 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.
 - 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.

22. 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.

23. 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.

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

25. 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 (applicants' engineer's) recommendations to correct the condition(s), or order a modification thereof. In the event of the applicant's (applicants 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).

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

27. 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 DEME 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

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

The foregoing Resolution was made and moved by Andrew Andrews and second by Denise Lenihan and carried as follows: Thomas Warren, Chairman, absent; Michael Mandel, aye; Michael McCrory, aye; Stephen Sweeney, absent; Andrew Andrews, aye; Denise Lenihan, aye; Kevin Farry, aye; and Lisa DeFeciani, 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: February 23, 2022
Cheryl Coopersmith
Town of Orangetown Planning Board**



TOWN OF ORANGETOWN
2022 MAR 11 A 10: 24
TOWN CLERK'S OFFICE

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

**PB #22-10: Ferrante Site Plan
Critical Environmental Area
Preliminary Site Plan Approval Subject to Conditions
Neg. Dec.**

**Town of Orangetown Planning Board Decision
February 23, 2022**

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: Ferrante Site Plan - Critical Environmental Area
Preliminary Site Plan Approval Subject to Conditions/Neg. Dec.**

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

DESCRIPTION OF ACTION: Site Plan Review

LOCATION: The site is located at 1031 Route 9W, Upper Grandview, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 71.09, Block 1, Lot 17 in the R-22 zoning district.

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 action. 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.

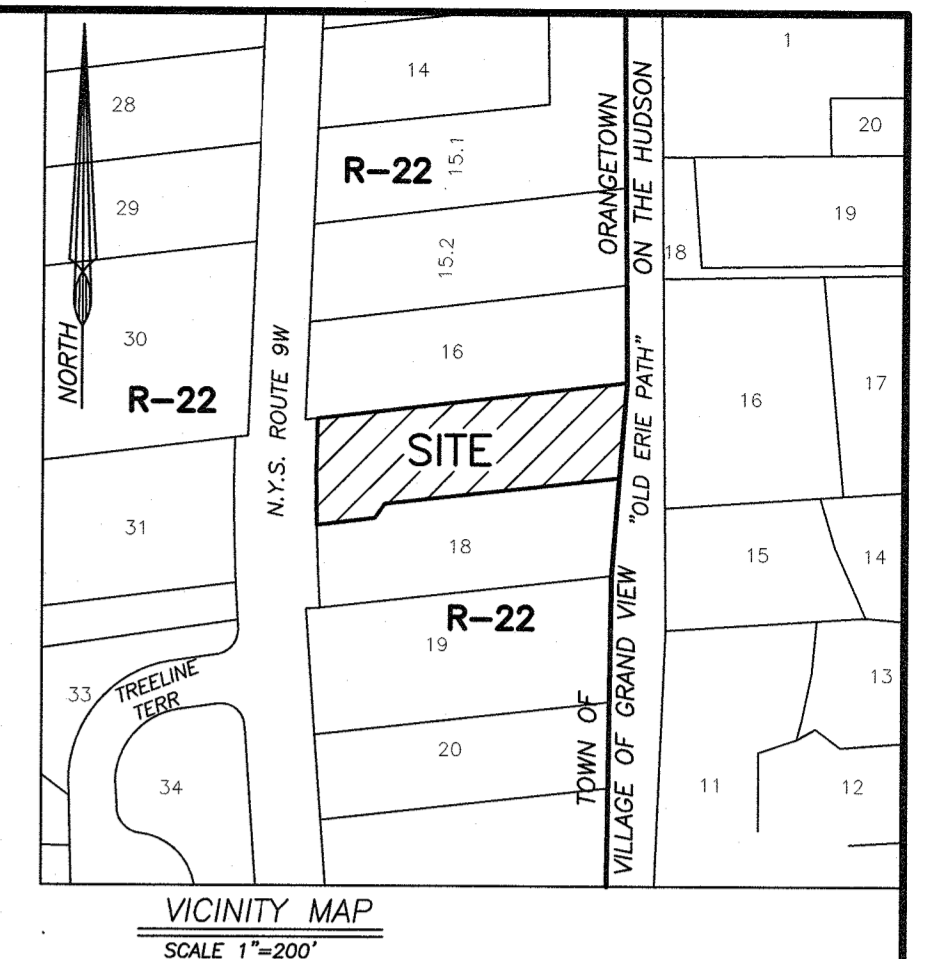
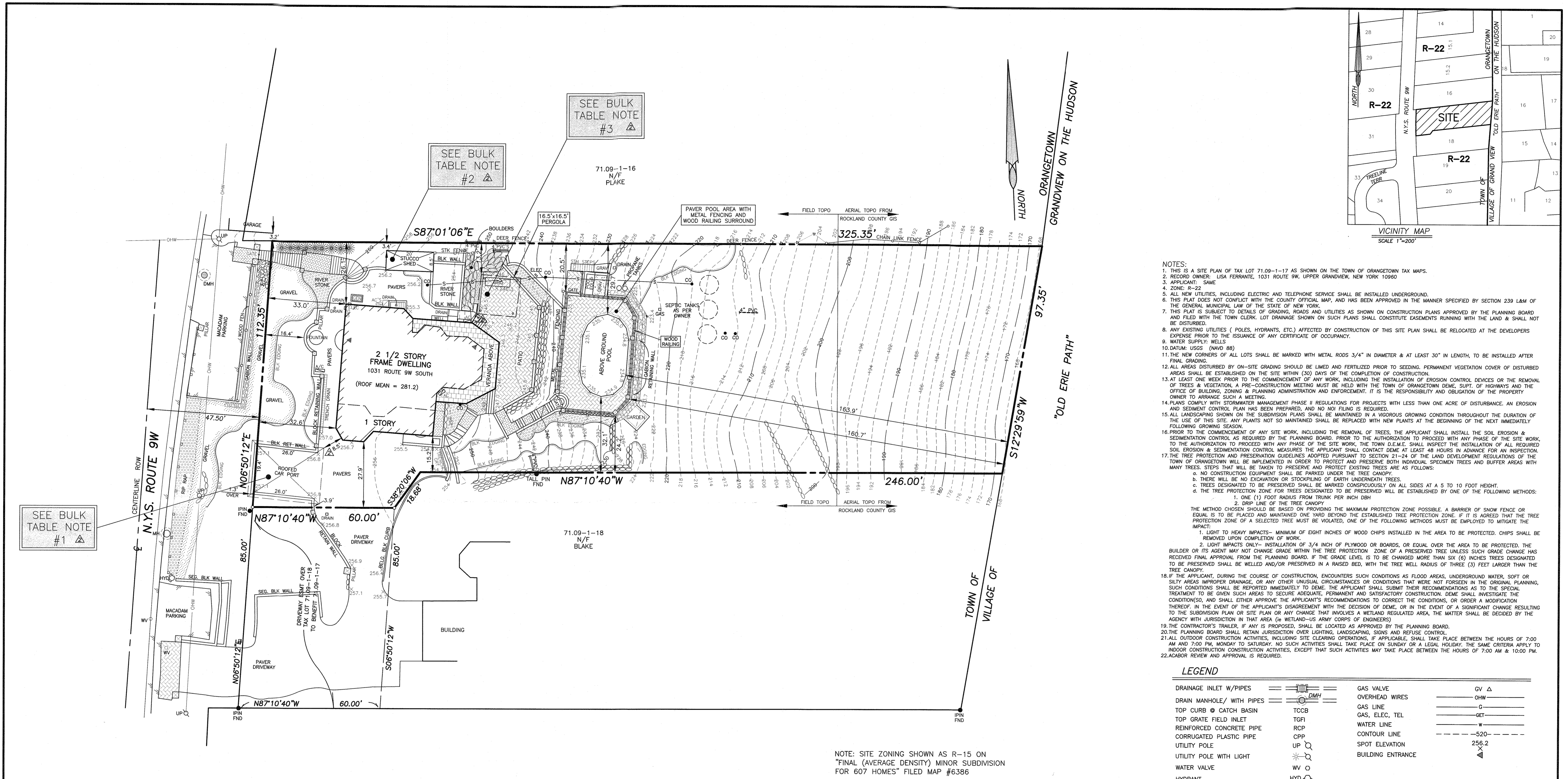
If Conditioned Negative Declaration, the specific mitigation is provided on an attachment.

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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- NOTES:**
- THIS IS A SITE PLAN OF TAX LOT 71.09-1-17 AS SHOWN ON THE TOWN OF ORANGETOWN TAX MAPS.
 - RECORD OWNER: LISA FERRANTE, 1031 ROUTE 9W, UPPER GRANDVIEW, NEW YORK 10960
 - APPLICANT: SAME
 - ZONE: R-22
 - ALL NEW UTILITIES, INCLUDING ELECTRIC AND TELEPHONE SERVICE SHALL BE INSTALLED UNDERGROUND.
 - THIS PLAT DOES NOT CONFLICT WITH THE COUNTY OFFICIAL MAP, AND HAS BEEN APPROVED IN THE MANNER SPECIFIED BY SECTION 239 L&M OF THE GENERAL MUNICIPAL LAW OF THE STATE OF NEW YORK.
 - THIS PLAT IS SUBJECT TO DETAILS OF GRADING, ROADS AND UTILITIES AS SHOWN ON CONSTRUCTION PLANS APPROVED BY THE PLANNING BOARD AND FILED WITH THE TOWN CLERK. LOT DRAINAGE SHOWN ON SUCH PLANS SHALL CONSTITUTE EASEMENTS RUNNING WITH THE LAND & SHALL NOT BE DISTURBED.
 - ANY EXISTING UTILITIES (POLES, HYDRANTS, ETC.) AFFECTED BY CONSTRUCTION OF THIS SITE PLAN SHALL BE RELOCATED AT THE DEVELOPERS EXPENSE PRIOR TO THE ISSUANCE OF ANY CERTIFICATE OF OCCUPANCY.
 - WATER SUPPLY: WELLS
 - DATUM: USGS (NAD 83)
 - THE NEW CORNERS OF ALL LOTS SHALL BE MARKED WITH METAL RODS 3/4" IN DIAMETER & AT LEAST 30" IN LENGTH, TO BE INSTALLED AFTER FINAL GRADING.
 - ALL AREAS DISTURBED BY ON-SITE GRADING SHOULD BE LIMED AND FERTILIZED PRIOR TO SEEDING. PERMANENT VEGETATION COVER OF DISTURBED AREAS SHALL BE ESTABLISHED ON THE SITE WITHIN (30) DAYS OF THE COMPLETION OF CONSTRUCTION.
 - AT LEAST ONE WEEK PRIOR TO THE COMMENCEMENT OF ANY WORK, INCLUDING THE INSTALLATION OF EROSION CONTROL DEVICES OR THE REMOVAL OF TREES & VEGETATION, A PRE-CONSTRUCTION MEETING MUST BE HELD WITH THE TOWN OF ORANGETOWN DEME, SUPT. OF HIGHWAYS AND THE OFFICE OF BUILDING, ZONING & PLANNING ADMINISTRATION AND ENFORCEMENT. IT IS THE RESPONSIBILITY AND OBLIGATION OF THE PROPERTY OWNER TO ARRANGE SUCH A MEETING.
 - PLANS COMPLY WITH STORMWATER MANAGEMENT PHASE II REGULATIONS FOR PROJECTS WITH LESS THAN ONE ACRE OF DISTURBANCE. AN EROSION AND SEDIMENT CONTROL PLAN HAS BEEN PREPARED, AND NO NOI FILING IS REQUIRED.
 - ALL LANDSCAPING SHOWN ON THE SUBDIVISION 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.
 - PRIOR TO THE COMMENCEMENT OF ANY SITE WORK, INCLUDING THE REMOVAL OF TREES, THE APPLICANT SHALL INSTALL THE SOIL EROSION & SEDIMENTATION CONTROL AS REQUIRED BY THE PLANNING BOARD. PRIOR TO THE AUTHORIZATION TO PROCEED WITH ANY PHASE OF THE SITE WORK, TO THE AUTHORIZATION TO PROCEED WITH ANY PHASE OF THE SITE WORK, THE TOWN D.E.M.E. SHALL INSPECT THE INSTALLATION OF ALL REQUIRED SOIL EROSION & SEDIMENTATION CONTROL MEASURES. THE APPLICANT SHALL CONTACT DEME AT LEAST 48 HOURS IN ADVANCE FOR AN INSPECTION.
 - 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 AREAS WITH MANY TREES. STEPS THAT WILL BE TAKEN TO PRESERVE AND PROTECT EXISTING TREES ARE AS FOLLOWS:
 - NO CONSTRUCTION EQUIPMENT SHALL BE PARKED UNDER THE TREE CANOPY.
 - THERE WILL BE NO EXCAVATION OR STOCKPILING OF EARTH UNDERNEATH TREES.
 - TREES DESIGNATED TO BE PRESERVED SHALL BE MARKED CONSPICUOUSLY ON ALL SIDES AT A 5 TO 10 FOOT HEIGHT.
 - 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.
 - LIGHT IMPACTS ONLY- INSTALLATION OF 3/4 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 RADIUS OF THREE (3) FEET LARGER THAN THE TREE CANOPY.
 - IF THE APPLICANT, DURING THE COURSE OF CONSTRUCTION, 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 SHALL SUBMIT THEIR RECOMMENDATIONS AS TO THE SPECIAL TREATMENT TO BE GIVEN SUCH AREAS TO SECURE ADEQUATE, PERMANENT AND SATISFACTORY CONSTRUCTION. DEME SHALL INVESTIGATE THE CONDITIONS, AND SHALL EITHER APPROVE THE APPLICANT'S RECOMMENDATIONS TO CORRECT THE CONDITIONS, OR ORDER A MODIFICATION THEREOF. IN THE EVENT OF THE APPLICANT'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. WETLAND-US ARMY CORPS OF ENGINEERS).
 - THE CONTRACTOR'S TRAILER, IF ANY IS PROPOSED, SHALL BE LOCATED AS APPROVED BY THE PLANNING BOARD.
 - THE PLANNING BOARD SHALL RETAIN JURISDICTION OVER LIGHTING, LANDSCAPING, SIGNS AND REFUSE CONTROL.
 - ALL OUTDOOR CONSTRUCTION ACTIVITIES, INCLUDING SITE CLEARING OPERATIONS, IF APPLICABLE, SHALL TAKE PLACE BETWEEN THE HOURS OF 7:00 AM AND 7:00 PM, MONDAY TO SATURDAY. NO SUCH ACTIVITIES SHALL TAKE PLACE ON SUNDAY OR A LEGAL HOLIDAY. THE SAME CRITERIA APPLY TO INDOOR CONSTRUCTION CONSTRUCTION ACTIVITIES, EXCEPT THAT SUCH ACTIVITIES MAY TAKE PLACE BETWEEN THE HOURS OF 7:00 AM & 10:00 PM.
 - ACBOR REVIEW AND APPROVAL IS REQUIRED.

LEGEND

DRAINAGE INLET W/PIPES		GAS VALVE	GV Δ
DRAIN MANHOLE/ WITH PIPES		OVERHEAD WIRES	OHW —
TOP CURB @ CATCH BASIN	TCCB	GAS LINE	G —
TOP GRATE FIELD INLET	TGFI	GAS, ELEC, TEL	GET —
REINFORCED CONCRETE PIPE	RCP	WATER LINE	W —
CORRUGATED PLASTIC PIPE	CPP	CONTOUR LINE	-S20- - - -
UTILITY POLE	UP	SPOT ELEVATION	256.2
UTILITY POLE WITH LIGHT	UPL	BUILDING ENTRANCE	▲
WATER VALVE	WV		
HYDRANT	HYD		

NOTE: SITE ZONING SHOWN AS R-15 ON "FINAL (AVERAGE DENSITY) MINOR SUBDIVISION FOR 607 HOMES" FILED MAP #6386

BULK REGULATIONS			
R-22	REQUIRED	EXISTING	TO POOL
LOT AREA	22,500 SF	31,900 SF ▲	NO CHANGE
LOT WIDTH	125 Ft	110'± ⊕	NO CHANGE
MIN STREET FRONTAGE	75 Ft	112.35'	NO CHANGE
FRONT YARD	40 Ft	32.6' ⊕	NO CHANGE
SIDE YARD	25 Ft	15.2' ⊕	29.7' TO POOL(WATER)
TOTAL SIDE YARD	60 Ft	41.3' ⊕	61.8' TO POOL(WATER)
REAR YARD	45 Ft	>200'	160.7'
FLOOR AREA RATIO	0.20	0.23± ⊕ PER ARCHT	NO CHANGE
BUILDING HEIGHT	9'/FT FROM LOT LINE (32.6x9/12=24.4')	28'± ⊕	NO CHANGE

BULK REGULATIONS	
R-15	REQUIRED
LOT AREA	15,000 SF
LOT WIDTH	100 Ft
FRONT YARD	40 Ft
SIDE YARD	20 Ft
TOTAL SIDE YARD	50 Ft
REAR YARD	45 Ft
FLOOR AREA RATIO	0.20
BUILDING HEIGHT	1'-0"/FT FROM LOT LINE

⊕ EXISTING NON-CONFORMING CONDITION

BULK TABLE NOTES

- CAR PORT IS OVER THE FRONT LOT LINE. STRUCTURE MUST BE REMOVED OR MODIFIED, OR APPROVAL OBTAINED FROM NYS DOT. ADDITIONALLY, A VARIANCE IS REQUIRED FOR ACCESSORY STRUCTURE IN FRONT YARD (ACT. IV, SECTION 5.227). ALSO, VARIANCE REQUIRED FOR PROXIMITY OF CARPORT TO DWELLING (REQ:15'; ACTUAL:9.5'); ART. V, SECTION 5.153.
- SHED AT NORTH PROPERTY LINE REQUIRES A SIDE YARD VARIANCE.
- VARIANCE REQUIRED FOR PROXIMITY OF PERGOLA TO DWELLING (REQ.=15'; ACTUAL=4.4'); ARTICLE V, SECTION 5.153.

DISTRICTS
 SCHOOL: NYACK UNION FREE
 FIRE: UPPER GRANDVIEW FD007
 WATER: UPPER GRANDVIEW W0005
 LIBRARY: NYACK LB
 AMBULANCE: NYACK AM002
 SEWER: ORANGETOWN SEWER DISTRICT

- REFERENCES:**
- BEING LOT 1 ON A MAP ENTITLED "MINOR SUBDIVISION FOR 607 HOMES", FILED IN THE ROCKLAND COUNTY CLERK'S OFFICE AS MAP 6386.
 - DEEDS ON FILE IN THE ROCKLAND COUNTY CLERK'S AS FOLLOWS: INST# 2001-16340, INST# 2015-28393, INST# 2013-30504.

ZONING BOARD OF ORANGETOWN
 Member Site
 JAN 18 2023
 Town Of Orangetown

10/19/22 FAR REV PER ARCHT.
 08/02/22 REV PER PS 22-10
 02/08/22 BULK TABLE

STATE OF NEW YORK
 JAY A. GREENWELL
 LICENSE NO. 49676
 JAY A. GREENWELL, PLS
 NYS LIC. # 49676

AS BUILT POOL SITE PLAN
FERRANTE
 1031 ROUTE 9W SOUTH
 UPPER GRANDVIEW, TOWN OF ORANGETOWN
 STATE OF NEW YORK
JAY A. GREENWELL, PLS, LLC
 SURVEYING - LAND PLANNING
 85 LAFAYETTE AVENUE, SUFFERN, NEW YORK, 10901
 PHONE 845-357-0830 FAX 845-357-0756
 © 2021 GREENWELL SURVEYING, 2020

TAX LOT # 71.09-1-17
 AREA 31,900 SF
 FILE 22022 SITE
 SCALE 1" = 20'
 DATE AUG. 27, 2020
 JOB NO. 22022