

ZONING BOARD OF APPEALS

Town of Orangetown

20 Greenbush Road

Orangeburg, New York 10962

(914) 359-8410 (ex. 4331)

Date: February 16, 2023

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

✓ Rockland County Drainage

✓ Rockland County Health

✓ Rockland County Planning

✓ Rockland County Highway

Review of Plans: 80 Old Mountain Road South Deck Site Plan, 80 Old Mountain Road South, Upper Grandview, NY

Section 71.05 Block 1 Lot 30 R-22 zone

This matter is scheduled for:

Chapter 43, R-22 District, Group I, Section 3.12, Column 8 (Front Yard: 40' required, 15.7' proposed) for an existing deck at an existing single-family residence. The premises are located at 80 Old Mountain Road South, Upper Grandview, New York and identified on the Orangetown Tax Map as Section 71.05, Block 1, Lot 30 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](mailto:darbolino@orangetown.com) or
- Fax to the Town of Orangetown ZBA @845 359 8526

**Zoning Board Meeting Date: April 4, 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 **Tuesday, April 4, 2023**. Kindly forward your completed review to this office by April 4, 2023.

Reviewing Agency \_\_\_\_\_

Name \_\_\_\_\_ date: \_\_\_\_\_

Signature: \_\_\_\_\_

Thank you, Deborah Arbolino



OFFICE OF BUILDING, ZONING, PLANNING,  
ADMINISTRATION AND ENFORCEMENT  
TOWN OF ORANGETOWN

20 Greenbush Road  
Orangeburg, N.Y. 10962

Jane Slavin, R.A.  
Director

(845)359-8410

Fax: (845) 359-8526

**ZONING BOARD OF APPEALS**

Date: February 13, 20

Applicant: Greaney Site Plan existing deck

Address: 80 Old Mountain Road, South Nyack, NY

Section: 71.05

Block: 1

Lot: 30

Permit# 49159

Plans Submitted: Plans labeled " Existing Deck @ Greaney Residence dated July 22, 2022 with the latest re  
signed and sealed by Robert E. Silarski, Architect, ( 1 page) Survey dated 5/22/2019 with the latest

revision date of 4/1/2020 signed and sealed by Anthony R. Celentano, PLS

Subdivision for Josephine R. Frederiksen dated 2/17/87 filed Feb. 24, 1988

Project Name: Brian Greaney

Date of Submittal to Land Use Board: \_\_\_\_\_

Date of Board Meeting: TBD

RECEIVED

FEB 13 2023

TOWN OF ORANGETOWN  
BUILDING DEPARTMENT

Sincerely,

Debbie Arbolino

Administrative Aide

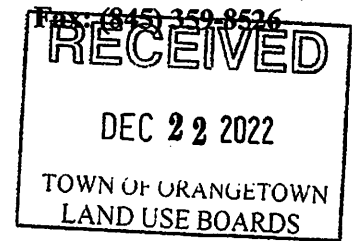
Date/Initial of OBZPAE Review Completed:  2/16/23



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



Date: December 21, 2022

To: Planning Board

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

Subject: **80 Old Mountain Road South Deck Site Plan – PB# 19-77**  
Critical Environmental Area  
Prepreliminary/ Preliminary/ Final Site Plan and SEQRA Review  
80 Old Mountain Road South, Upper Grandview;  
71.05/1/30; R-22 zoning district

Submission Reviewed:

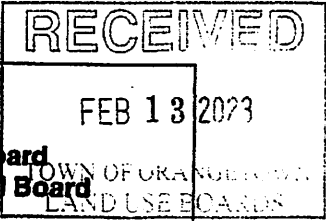
Drawings as prepared by S&Co., last revised 10-22-2022

- 1) Application is for the legalization of an existing deck constructed without a permit.
- 2) Full construction plans and details must be provided.
- 3) Per Chapter 43, Table 3.12, R-22 District, Column 8; required front yard is 40' with 15.7' proposed, variance required.
- 4) Architect must provide letter certifying that the construction meets the NYS building code and is structurally sound.

JS – 12/21/22

Name of Municipality: TOWN OF ORANGETOWN

Date Submitted: \_\_\_\_\_



Please check all that apply:

Commercial  Residential

Planning Board  Historical Board

Zoning Board of Appeals  Architectural Board

Subdivision  Consultation

Number of Lots  Pre-Preliminary/Sketch

Site Plan  Preliminary

Conditional Use  Final

Special Permit  Interpretation

Variance

Performance Standards Review

Use Variance

Other (specify): \_\_\_\_\_

PERMIT#: \_\_\_\_\_

ASSIGNED \_\_\_\_\_

INSPECTOR: \_\_\_\_\_

Referred from Planning Board: YES / NO

If yes provide date of Planning Board meeting: \_\_\_\_\_

Project Name: EXISTING DECK @ GREANEY RESIDENCE

Street Address: 80 OLD MOUNTAIN ROAD SOUTH  
UPPER GRANDVIEW NY 10960

**Tax Map Designation:**

Section: 71.05 Block: 1 Lot(s): 30

Section: \_\_\_\_\_ Block: \_\_\_\_\_ Lot(s): \_\_\_\_\_

**Directional Location:**

On the SOUTH side of OLD MOUNTAIN ROAD SOUTH, approximately 165 feet EAST of the intersection of SOUTH BOULEVARD, in the Town of ORANGETOWN in the hamlet/village of UPPER GRANDVIEW

Acreage of Parcel 0.55 AC Zoning District R-22

School District NYACK Postal District NYACK

Ambulance District NGAC Fire District NYACK

Water District VEOLIA Sewer District ROCKLAND CO. #1

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

LEGITIMIZATION OF PRE-EXISTING DECK WHOSE LOCATION REQUIRES A FRONT YARD VARIANCE.

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

Date: 2/10/23 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 24,109.41 sq ft
- 2) Total square footage 24,109.41 sq ft
- 3) Number of dwelling units 1

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 NO

Are there streams on the site? If yes, please provide the names. NO

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

NO

### Project History:

Has this project ever been reviewed before? YES

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.

ORANGETOWN PLANNING BOARD #19-77 / APPROVED CONTINGENT UPON  
OBTAINING FRONT YARD VARIANCE, 11 JAN 2023 - NO RETURN TO PB REQ'D  
(DECISION ATTACHED)

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

71:05-1-22 / 86 OLD MOUNTAIN ROAD SOUTH

# APPLICATION REVIEW FORM

## AFFIDAVIT

State of New York     )

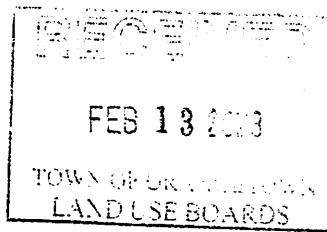
County of Rockland    ) SS.:

Town/Village of ORANGETOWN     )

I, ROBERT SILARSKI AIA being duly sworn deposes and says that he is the applicant, agent or attorney for applicant, in the matter of the petition before the ZONING BOARD OF APPEALS (board) in the town/village of ORANGETOWN affecting property located at 80 SOUTH OLD MOUNTAIN ROAD, Rockland County, New York.

That the following are all of the owners of property 200' (distance) from the premises as to which this application is being taken.

SECTION-BLOCK-LOT	NAME	ADDRESS
✓ 392489 70.07-1-9 State of NY 18 New Hempstead Rd New City, NY 10956	✓ 392489 70.08-1-4 Peter M Wistreich 267 So Blvd Nyack, NY 10960	✓ 392489 70.08-1-6 Stephen E Visakay 275 South Blvd Upper Grandview, NY 10960
✓ 392489 70.08-1-7 Joseph N Peroni 277 South Blvd Upper Grandview, NY 10960	✓ 392489 70.08-1-8 State of NY 18 New Hempstead Rd New City, NY 10956	✓ 392489 71.05-1-25 George A Fox 286 South Blvd Upper Grandview, NY 10960
✓ 392489 71.05-1-26 Thomas Smith 76 Old Mountain Rd Nyack, NY 10960	✓ 392489 71.05-1-27 Francesca Fusco 282 South Blvd Upper Grandview, NY 10960	✓ 392489 71.05-1-28 Kerry Cavazzi 280 South Blvd Upper Grandview, NY 10960
<del>392489 71.05-1-29 Peter Dancy 80 Old Mountain Rd Upper Grandview, NY 10960</del>	<del>392489 71.05-1-30 Peter Dancy 80 Old Mountain Rd Upper Grandview, NY 10960</del>	✓ 392489 71.05-1-31 Spring Valley Water Works P.O. Box 71970 Phoenix, AZ 85050
✓ 392489 71.05-1-32 Steven M Goldman 74 Old Mountain Rd Upper Grandview, NY 10960	✓ 392489 71.05-1-38 10 Bitter Group Corp 104-37 108th St Richmond Hill, NY 11419	✓ 392489 71.05-1-39 Sondra Nadohl 77 Old Mountain Rd Upper Grandview, NY 10960
✓ 392489 71.05-1-40 Nathan Dickmeyer 278 South Blvd Upper Grandview, NY 10960	✓ 392489 71.05-1-41 Evan D Rossiter 276 South Blvd Upper Grandview, NY 10960	✓ 392489 71.05-1-42 Thomas Falcicchio 274 South Blvd Upper Grandview, NY 10960



## ORANGETOWN ZONING BOARD OF APPEALS PROJECT NARRATIVE

### **Post-Construction Approval of Existing Deck**

Greaney (formerly Dancy) Residence  
80 Old Mountain Road South  
Upper Grandview NY 10960

7 February 2023

S&Co. 2206

The subject property is located at 80 Old Mountain Road South in Upper Grandview NY and consists of a single-family home with an attached wood deck that surrounds an existing tree. This project was submitted to the Orangetown Planning Board for approval because the Town's records indicate that the existing deck was constructed without the required reviews and permit before the current ownership by Brian and Wendy Greaney, which commenced in June 2019. While the actual date of construction of this deck is indeterminate, we can safely say that based on our evaluation of the deck on-site and our experience, the deck was certainly constructed in advance of the Greaneys' ownership. Due to the subdivision of the larger property of which this lot was once a part that was approved on 19 June 1987 by the Orangetown Planning Board, the deck requires a front yard setback variance: 40' is required by the Town of Orangetown Zoning Code, but the property survey indicates an actual front yard setback of 15.7'. The Town of Orangetown Planning Board approved this project at their January 2023 meeting with the stipulation that an area variance for the front yard setback be obtained. We therefore request that the Zoning Board of Appeals grant this variance based on the following criteria:

1. *An undesirable change will not be produced in the character of the neighborhood, nor a detriment created to nearby properties by the granting of the area variance(s).* The property was purchased by the Greaneys in June 2019. At some point prior to that sale, a previous owner built the deck in question without the necessary permits from the Orangetown Building Department and without respect to the required front yard setback. These shortcomings have not made a demonstrable change in the character of the neighborhood or created a detriment created to nearby properties, either since the deck was constructed or since the current ownership commenced. The undeveloped adjoining parcel at the southwest corner between the front yard of 80 Old Mountain Road South and South Boulevard (86 Old Mountain Road South, also owned by the Greaneys) is the only one directly affected by the existing deck's location and also forms a buffer between the subject property and Old Mountain Road South, effectively setting the deck back approximately 89' from that road.
2. *The benefit sought by the applicant cannot be achieved by some method feasible for the applicant to pursue, other than an area variance.* There is no feasible method by which the benefit can be achieved other than the demolition of the existing deck; however, its demolition would yield a front yard setback of 30.1', still less than the 40' currently required by the Orangetown Zoning Code, notwithstanding the granting of the 1987 subdivision. We therefore maintain that the benefit sought by the applicant cannot be achieved by some method feasible for the applicant to pursue other than an area variance.

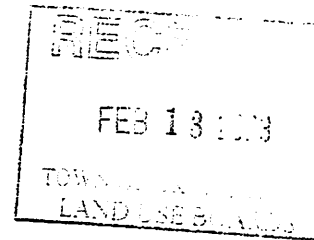
3. *The requested variance is not substantial.* The request is made for a front yard of 15.7' where 40' is required. While this differential may be construed as substantial in purely arithmetical terms, we believe that it is substantially outweighed by the criteria described in items 1., 2., 4. and 5. of this narrative.
4. *The proposed variance(s) will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.* Given that the conditions for which the area variance is requested have been in place at least since the Greaneys acquired the property in June 2019 and most certainly for a prior considerable period, and did not involve the creation of additional impermeable surfaces or increase the load on utility or community services, we do not believe that the granting of the requested area variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.
5. *The alleged difficulty was not self-created.* The construction of the deck that necessitates the granting of the variance occurred during a prior ownership of the property. We therefore posit that the alleged difficulty was not self-created, and that the Greaneys, as current Owners, wish only to legitimize the building and its appurtenances as it was at the time of purchase in June 2019.

Based on the foregoing, we respectfully request that the Orangetown Zoning Board of Appeals approve this application. If the requested variance is granted, we will proceed with the submission of documentation necessary for permit in accordance with the requirements and comments of the Orangetown Building Department.



**PB #19-77: 80 Old Mountain Road South  
Critical Environmental Area  
Final Site Plan Approval Subject to Conditions  
Neg. Dec.**

**Permit #49159**



**Town of Orangetown Planning Board Decision  
January 11, 2023  
Page 1 of 10**

**TO: Brian Greaney, 80 Old Mountain Road, South, Nyack, New York  
10960**  
**FROM: Orangetown Planning Board**

**RE: 80 Old Mountain Road South - Critical Environmental Area:** The application of Brian Greaney, owner, for Prepreliminary/ Preliminary/ Final Site Plan Review at a site to be known as "80 Old Mountain Road South Site Plan", 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 80 Old Mountain Road South, Nyack, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 71.05, Block 1, Lot 30; in the R-22 zoning district.

Heard by the Planning Board of the Town of Orangetown at meetings held **December 11, 2019 and January 11, 2023** at which time the Board made the following determinations:

**December 11, 2019**

Brian Greaney and Manuel Alduade appeared and testified before the Board. The Board received the following communications:

1. Project Review Committee Report dated December 4, 2019.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, from Jane Slavin, Director, Deputy Building Inspector dated December 9, 2019.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E. dated December 5, 2019.
4. A letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated December 6, 2019.
5. Letters from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning dated November 12, 2019 and Michael Kezner, dated October 29, 2019.
6. Letters from Rockland County Department of Health, signed by Elizabeth Mello, P.E., Senior Public Health Engineer dated December 3, 2019.
7. Letters from the Rockland County Department of Highways, signed by Dyan Rajasingham, Engineer II dated October 11 & 23, 2019.
8. A letter from Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer, dated December 3, 2019.
9. Notice from Rockland County Environmental Resource signed by Allan Beers, dated October 29, 2019.
10. A letter from the Town of Orangetown Zoning Board of Appeals, signed by Dan Sullivan, Chair, dated November 6, 2019.

TOWN OF ORANGETOWN

2023 FEB 10 AM 3:58

TOWN OF ORANGETOWN

**PB #19-77: 80 Old Mountain Road South  
Critical Environmental Area  
Final Site Plan Approval Subject to Conditions  
Neg. Dec.**

**Permit #49159**

**Town of Orangetown Planning Board Decision  
January 11, 2023  
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11. A Short Environmental Assessment Form signed by Brian Greaney, dated September 24, 2019.
12. Deck Application and Specifications dated June 17, 2019, prepared by JSM Home Improvements
13. Site Plan prepared by Kenneth Irving Architect. P.E., signed and sealed by, Manuel Antonio Andrade of R.A., dated July 29, 2019.
14. Building Permit Referral to the Planning Board dated July 30, 2019 prepared by Rick Oliver, Building Inspector.
15. A Project Narrative prepared by the applicant, dated September 25, 2019.

The Board reviewed the plans. The hearing was then opened to the Public.

The applicant requested a **CONTINUATION**.

**January 11, 2023**

Robert Silarski appeared and testified before the Board.

The Board received the following communications:

1. Project Review Committee Report dated January 3, 2023.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, from Jane Slavin, Director, Deputy Building Inspector dated December 21, 2022.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E. dated January 11, 2023.
4. An interdepartmental memorandum from the Fire Prevention Bureau, Town of Orangetown, signed by David Majewski, dated December 22, 2022.
5. Site Plan prepared by S & Co, last dated July 22, 2022.
6. Letters from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning dated December 15, 2022 and Jake Palant, dated November 20, 2022.
7. Notice from Rockland County Department of Health, signed by Elizabeth Mello, P.E., Senior Public Health Engineer dated November 23, 2022.
8. Letters from the Rockland County Department of Highways, signed by Dyan Rajasingham, Engineer II dated November 28, 2022.
9. Revised EAF dated December 20, 2022.
10. Site Plan prepared by Anthony Celentano, PLS, dated May 22, 2019 last revised April 1, 2020.
11. Architectural Plan prepared by S&C0 Architecture & Design, dated June 7, 2022, last revised October 22, 2022.

The Board reviewed the plans. The hearing was then opened to the Public.

RECEIVED  
TOWN OF ORANGETOWN  
JAN 11 2023

**PB #19-77: 80 Old Mountain Road South  
Critical Environmental Area  
Final Site Plan Approval Subject to Conditions  
Neg. Dec.**

**Permit #49159**

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A motion was made to open the Public Hearing portion of the meeting by Andrew Andrews and seconded by Denise Lenihan and carried as follows: Thomas Warren – Chairman, absent; Denise Lenihan, aye; Michael Mandel, Vice Chairman, aye; Kevin Farry, aye; Michael McCrory, aye; Lisa DeFeciani, aye; Tara Heidger, (alternate member), absent; and Andrew Andrews, aye.

There being no one to be heard from the Public, a motion was made by Andrew Andrews and seconded by Lisa DeFeciani and carried as follows: Thomas Warren – Chairman, absent; Denise Lenihan, aye; Michael Mandel, Vice-Chairman, aye; Kevin Farry, aye; Michael McCrory, aye; Lisa DeFeciani, aye; Tara Heidger, (alternate member), absent; and Andrew Andrews, aye.

#### **SEQRA**

The proposed action is classified as an "unlisted action" as defined by Section 617.2 (a) 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 Andrew Andrews and seconded by Denise Lenihan and carried as follows: Thomas Warren – Chairman, absent; Denise Lenihan, aye; Michael Mandel, Vice Chairman, aye; Kevin Farry, aye; Michael McCrory, aye; Lisa DeFeciani, aye; Tara Heidger ((alternate member), absent, and Andrew Andrews, 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

FILED 01/11/23  
PLANNING BOARD  
ORANGETOWN, NY

**Town of Orangetown Planning Board Decision  
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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 Department of Planning, Rockland County Department of Highways, Rockland County Department of Health, Rockland County Sewer District #1, 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.

APPROVED:  
TOWN OF ORANGETOWN  
PLANNING BOARD

**PB #19-77: 80 Old Mountain Road South  
Critical Environmental Area  
Final Site Plan Approval Subject to Conditions  
Neg. Dec.**

**Permit #49159**

**Town of Orangetown Planning Board Decision  
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On motion by Andrew Andrews and seconded by Denise Lenihan and carried as follows: Thomas Warren – Chairman, absent; Denise Lenihan, aye; Michael Mandel, Vice Chairman, aye; Kevin Farry, aye; Michael McCrory, aye; Lisa DeFeciani, aye; Tara Heidger, (alternate member) absent; and Andrew Andrews, aye, 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. 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. This application is for the legalization of an existing deck constructed without a permit.
5. Full construction plans and details, including all framing connections, lateral load connections and railing details must be provided for building inspector review before a permit can be issued.
6. Per Chapter 43, table 3.12, R-22 district, Column 8, minimum required front yard is 40 feet with 15.7' proposed to deck.

7-22-2023  
9:44:17 AM  
10:55:17 AM

**PB #19-77: 80 Old Mountain Road South  
Critical Environmental Area  
Final Site Plan Approval Subject to Conditions  
Neg. Dec.**

**Permit #49159**

**Town of Orangetown Planning Board Decision  
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7. Architect must provide letter certifying that the construction meets the NYS building code and is structurally sound.

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

9. The Town of Orangetown Department of Environmental Management and Engineering reviewed the submitted information and held that the previous comments/ recommendations have been addressed/ satisfied.

**10. Drainage Review Recommendation – Brooker Engineering**  
The Drainage Consultant to the Planning Board, Brooker Engineering has reviewed the submitted information and found the proposed action maintains the existing drainage patterns and will not create potential significant adverse impact with respect to drainage that require mitigation and therefore recommends that 80 Old Mountain Road Site Plan be approved for drainage subject to no Project Comments.

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

- An updated review of the October 22, 2022 site plan must be completed by the Rockland County Highway Department. In addition, the applicant must address any outstanding comments made by the Highway Department in their letter of October 23, 2019.
- The subject property is approximately 140 feet east of Blauvelt State park, which is operated by the Palisades Interstate Park Commission and one of the reasons for our department's review of this application. A review must be completed by the Park Commission and any comments or concerns addressed.
- An updated review of the October 22, 2022 site plan must be completed by the Rockland County Department of Health and an application must be submitted to them for review of the stormwater management system to ensure compliance with the Rockland County Sanitary Code, Article XIX, Mosquito Control.
- Rockland County Department of Planning requests the opportunity to review any variances that may be needed to implement the proposed site plan as required by New York State General Municipal Law Section 239-m (3)(a)(v).

**PB #19-77: 80 Old Mountain Road South  
Critical Environmental Area  
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Neg. Dec.**

**Permit #49159**

**Town of Orangetown Planning Board Decision  
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**Continuation of Condition #11**

- Several questions on the SEAF are answered incorrectly. The EAF Mapper Application, provided by the NYSDEC, indicates that questions 12b, 15 and 20 should be answered affirmatively. To ensure accurate SEQRA documentation, the Town must encourage applicants to use this tool to complete the EAF as it populates the answers to certain questions using the NYS database information.
  - The Designated Street Line (DSL) must be indicated on the site plan. The appropriate lot area deductions must also be indicated. Any additional variances required due to a change in measurement must be submitted to Rockland County Planning Department, as required by NYS GML, Section 239-m(3)(a)(v).
  - All county interests within 500 feet of the site, and all corresponding Referral Agencies, must be indicated on page 2 of the application form.
- 12. The Rockland County Department of Health reviewed the information and offered the following comment;**
- Should the Board require a stormwater management system to remediate the increase in impervious surface, application is to be made to the Rockland County Department of Health for review of the system for compliance with the County Mosquito Code.
- 13. Rockland County Highway Department reviewed the submitted plans and offered the following comment:**
- A road work permit shall be obtained from the Rockland County Highway Department prior to starting any construction work in the property.
- 14. Rockland County Sewer District #1 does not object to the plan as shown. This project does not affect any sanitary sewers within the District and no future correspondence is requested for this site.**
- 15. Orange and Rockland Utilities reviewed the submitted information and offered the following comment:**
- The proposed work may be in conflict with the existing gas facilities. Please contact O&R's new business department for any disconnects/reconnects. All code 753 rules must be followed.
- 16. The following agencies do not object to the Town of Orangetown Planning Board assuming responsibilities of lead agency for SEQRA purposes:**
- Town of Orangetown Zoning Board of Appeals
  - Rockland County Department of Planning
  - Rockland County Health Department
  - Rockland County Highway Department
  - Rockland County Sewer District No.1

17. The applicant shall comply with all pertinent items in the Guide to the Preparation of Site Plans and Board Decision prior to signing the final plans.
18. All reviews and approvals from various governmental agencies must be obtained prior to stamping of the Site Plan.
19. 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.
20. **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.



21. 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.
22. 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.
23. The contractor's trailer, if any is proposed, shall be located as approved by the Planning Board.
24. 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).
25. Permanent vegetation cover of disturbed areas shall be established on the site within thirty (30) days of the completion of construction.

**PB #19-77: 80 Old Mountain Road South  
Critical Environmental Area  
Final Site Plan Approval Subject to Conditions  
Neg. Dec.**

**Permit #49159**

**Town of Orangetown Planning Board Decision  
January 11, 2023  
Page 10 of 10**

26. 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

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

The foregoing Resolution was made and moved by Michael McCrory and seconded Lisa DeFeciani and carried as follows: Thomas Warren – Chairman, absent; Denise Lenihan, aye; Michael Mandel, Vice Chairman, aye; Kevin Farry, aye; Michael McCrory, aye; Lisa DeFeciani, aye; Tara Heidger, (alternate member), absent; and Andrew Andrews, 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: January 11, 2023  
Cheryl Coopersmith  
Town of Orangetown Planning Board  
Attachment



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

**PB #19-77: 80 Old Mountain Road South  
Critical Environmental Area  
Final Site Plan Approval Subject to Conditions  
Neg. Dec.**

**Permit #49159**

**Town of Orangetown Planning Board Decision  
January 11, 2023**

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: 80 Old Mountain Road South - Critical Environmental Area - Final 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 80 Old Mountain Road South, Nyack, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 71.05, Block 1, Lot 30; 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 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

2023 JAN 11 10 55 AM

2023 JAN 11 10 55 AM

TOWN OF ORANGETOWN



To Whom It May Concern:

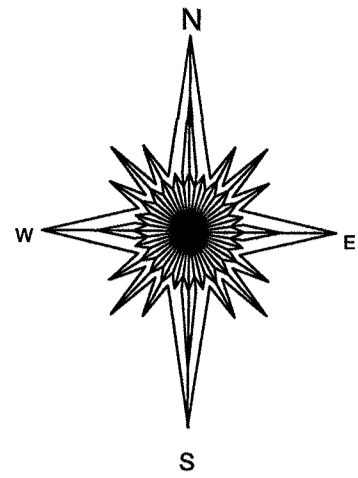
I, Brian Greaney, as the owner of the property known as 80 South Old Mountain Road in Upper Grandview, Town of Orangetown, Rockland County, New York 10960, do hereby authorize the officers of S&Co. | Architecture+Design, located at 41A North Broadway, Nyack NY 10960, to act as my agent for any and all matters, including appearances before all concerned Boards and Agencies, related to the legitimization of the location and construction of an existing attached deck at the property described above.

A handwritten signature in black ink that reads "Brian Greaney".

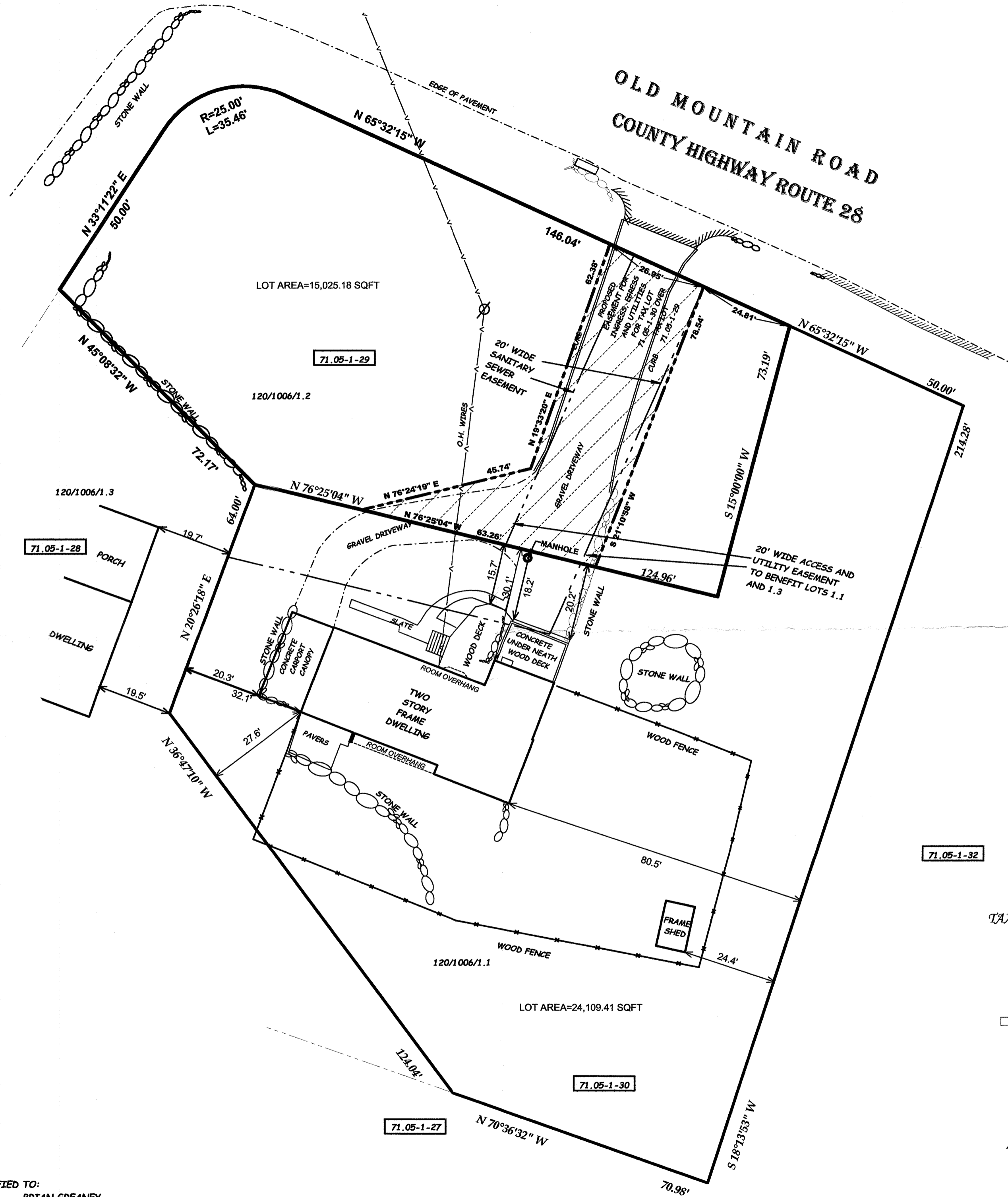
\_\_\_\_\_  
Brian Greaney

A handwritten date in black ink that reads "2/7/23".

\_\_\_\_\_  
Date



SOUTH BOULEVARD



BEING LOT 120/1006/1.2 AND LOT 120/1006/1.1 ON A CERTAIN MAP ENTITLED "JOSEPHINE B. FREDERICKSEN" FILED IN THE ROCKLAND COUNTY CLERK'S OFFICE AS MAP #6172 BOOK #109 PAGE #4 ON 2/24/1988.

NOTE:  
"IT IS A VIOLATION OF THE STATE EDUCATION LAW FOR ANY PERSON UNLESS ACTING UNDER THE DIRECTION OF A LICENSED LAND SURVEYOR, TO ALTER AN ITEM IN ANY WAY."  
"ONLY COPIES OF THIS SURVEY MARKED WITH THE LAND SURVEYOR'S SIGNATURE AND AN ORIGINAL EMBOSSED OR INK SEAL, ARE THE PRODUCT OF THE LAND SURVEYOR."  
"THIS SURVEY WAS PREPARED FOR THE PARTIES AND PURPOSE INDICATED HEREON. ANY EXTENSION OF THE USE BEYOND THE PURPOSES AGREED TO BETWEEN THE CLIENT AND THE SURVEYOR EXCEEDS THE SCOPE OF THE ENGAGEMENT."  
THIS SURVEY MAP IS SUBJECT TO AN ACCURATE ABSTRACT OF TITLE.  
EASEMENTS OR RIGHTS OF WAY ON OR BELOW THE SURFACE OF THE GROUND THAT ARE NOT VISIBLE ARE NOT SHOWN.

CERTIFIED TO:  
BRIAN GREANEY  
WENDY GREANEY  
THE SECURITY TITLE GUARANTEE CORPORATION OF BALTIMORE  
GUARANTEED RATE, INC ISAOA/ATIMA

ZONING BOARD OF APPEALS  
Meeting On  
APR 4 2023  
Town of Orangetown

TAX MAP DESIGNATION: 71.05-1-29&30

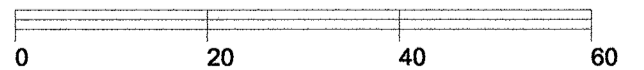
### SURVEY FOR GREANEY

TOWN OF ORANGETOWN, ROCKLAND COUNTY  
REV 6/18/19  
UPPER GRANDVIEW NEW YORK  
REV 4/1/2020  
MAY 22, 2019 SCALE: 1" = 20'

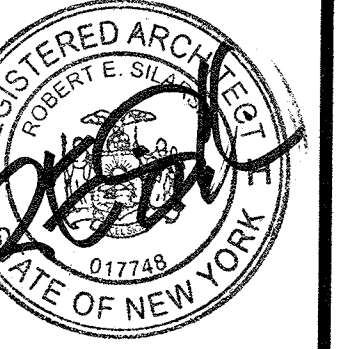
ANTHONY R. CELENTANO P.L.S.

31 ROSMAN ROAD  
THIELLS, N.Y. 10984  
845 429 5290 FAX 429 5974

*Anthony R. Celentano* LIC#50633



RECEIVED  
FEB 13 2023  
TOWN OF ORANGETOWN  
LAND USE BOARDS



ALL RIGHTS, TITLE AND INTEREST IN THE DESIGN DRAWINGS AND INSTRUMENTS OF SERVICE ARE RESERVED BY S&CO ARCHITECTURE + DESIGN, WHETHER OR NOT THE PROJECT IS COMPLETED. NO PART OF THIS DESIGN SHALL BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN CONSENT OF S&CO ARCHITECTURE + DESIGN.

**EXISTING DECK @ GREANEY RESIDENCE**  
80 OLD MOUNTAIN ROAD | GRANDVIEW NEW YORK

RECORDED  
FEB 18 2023  
TOWN OF ORANGETOWN

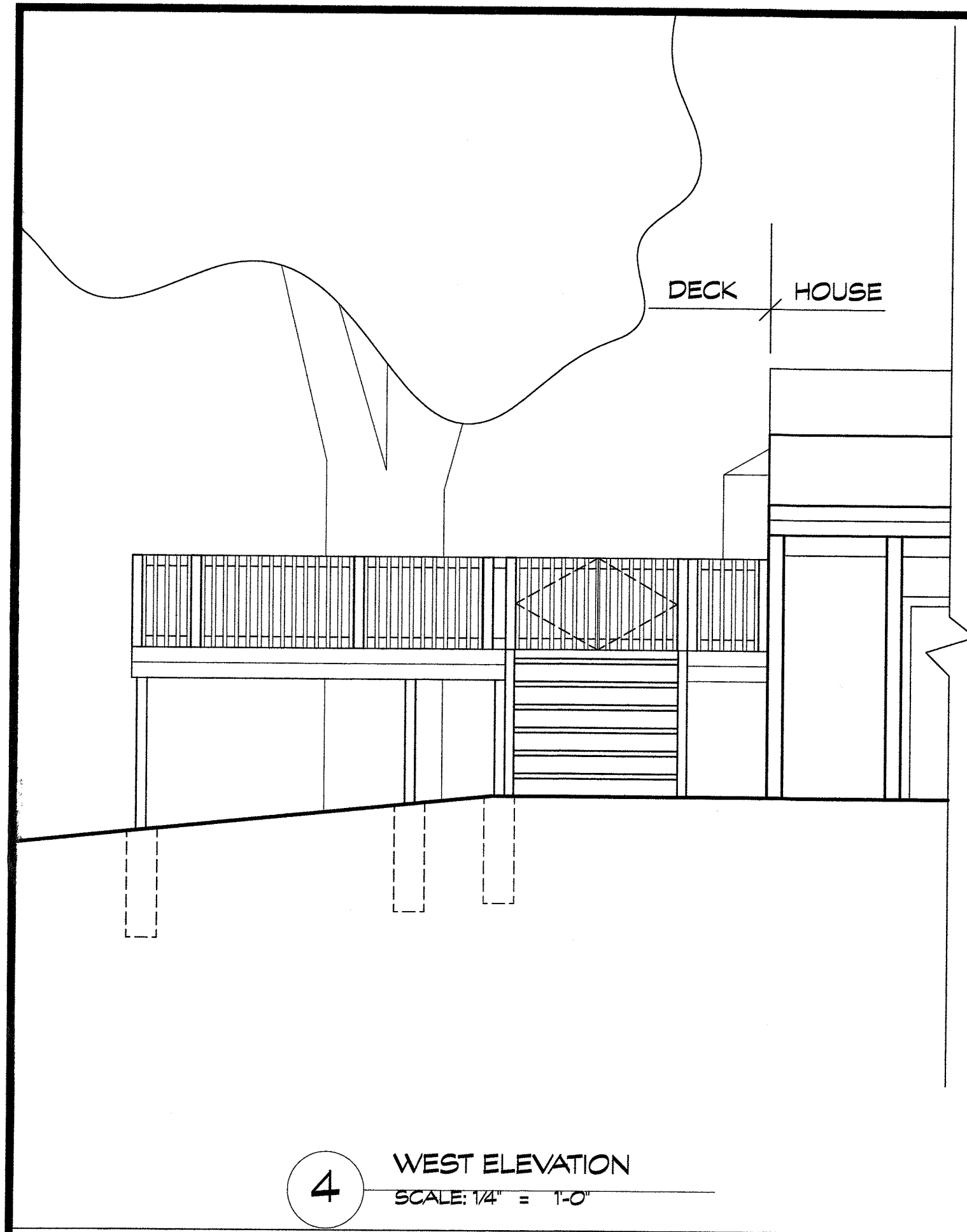
MARK	DATE	DESCRIPTION
1	21.OCT.2022	GRANGETOWN SUBDIVISION 2
2	13.OCT.2022	GRANGETOWN
3	22.JUL.2022	GRANGETOWN
4	07.JAN.2022	SURVEY

**PLANS AND ELEVATIONS**

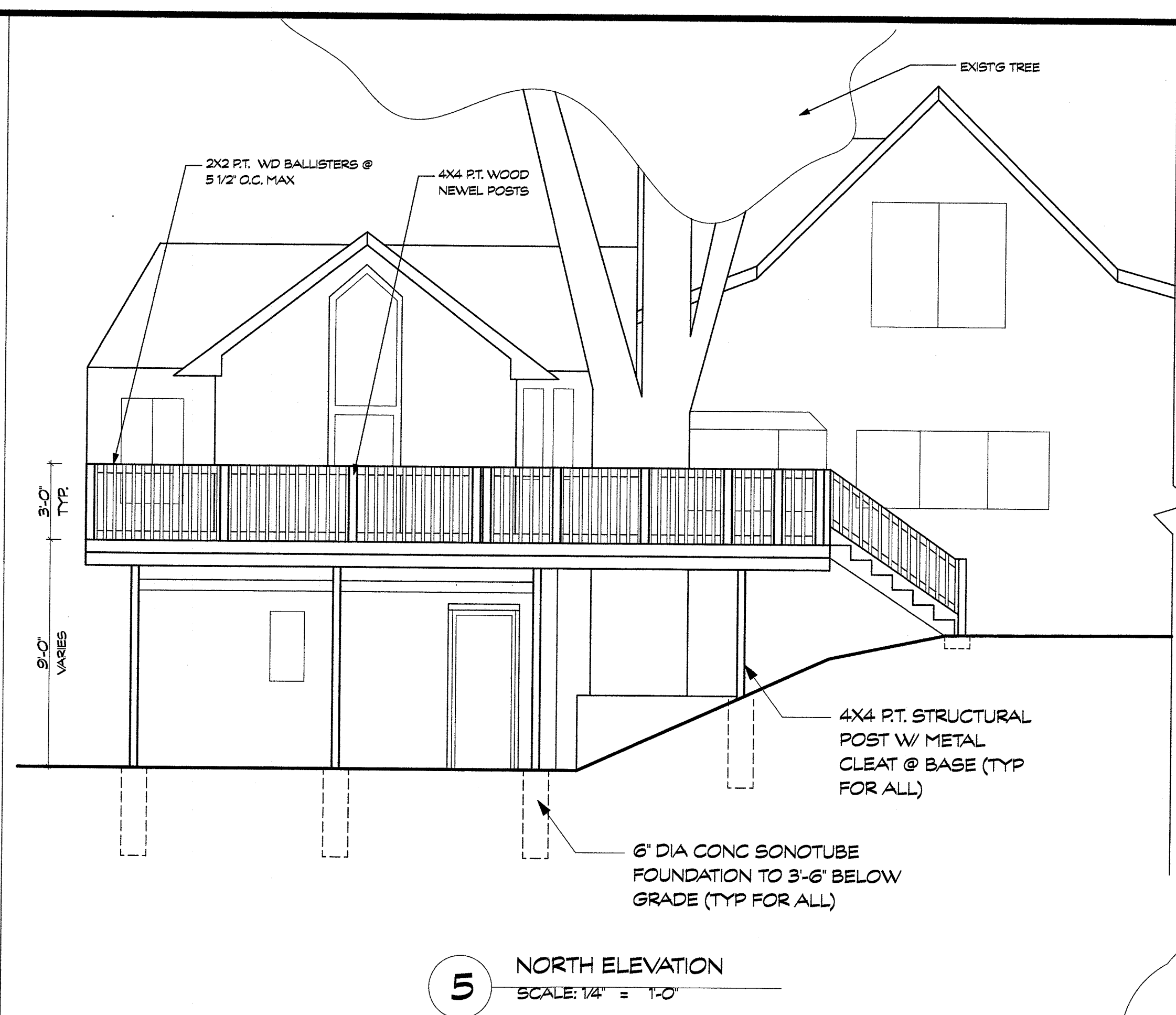
SCALE AS NOTED

**A-001**

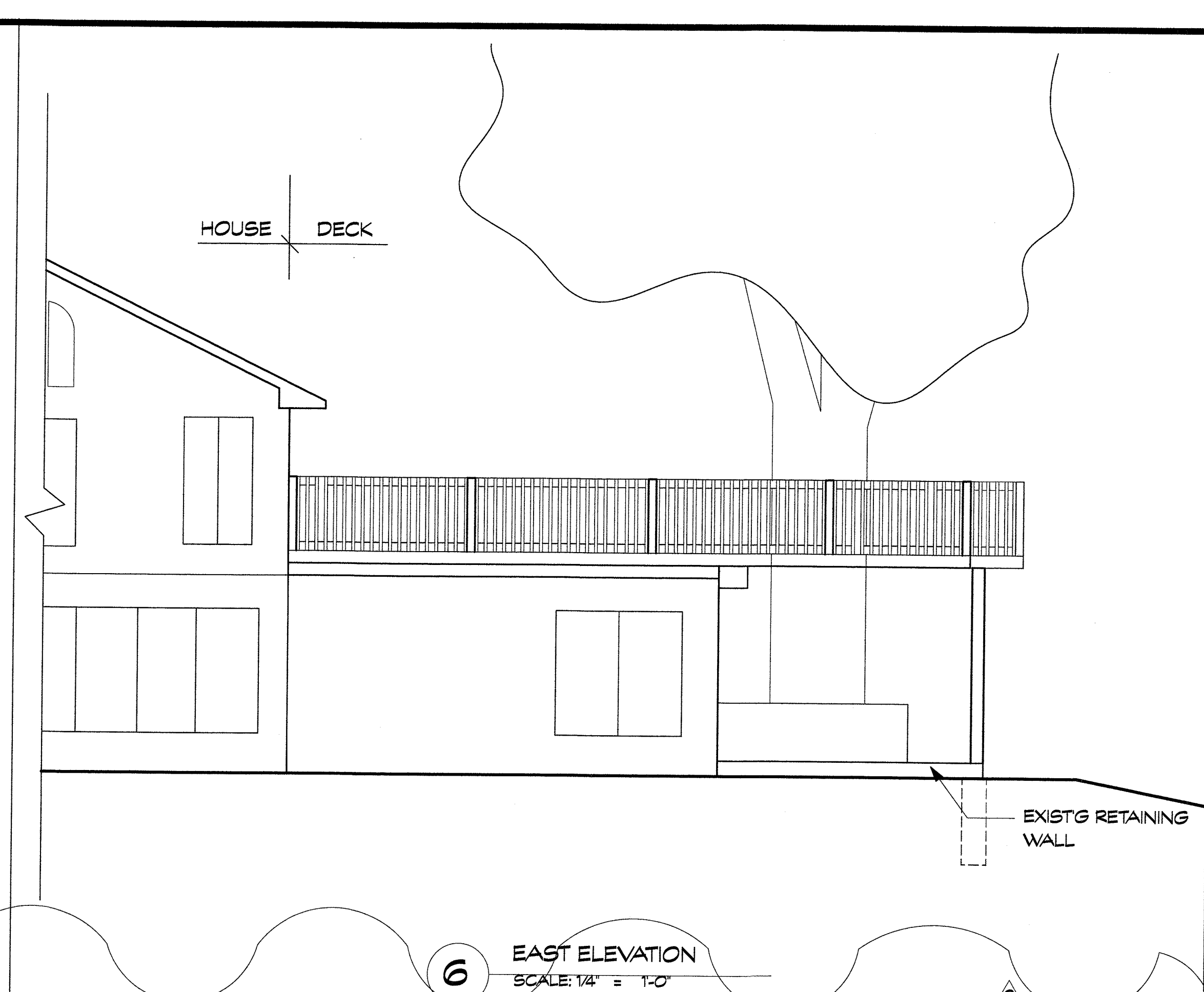
SEC. # 2206



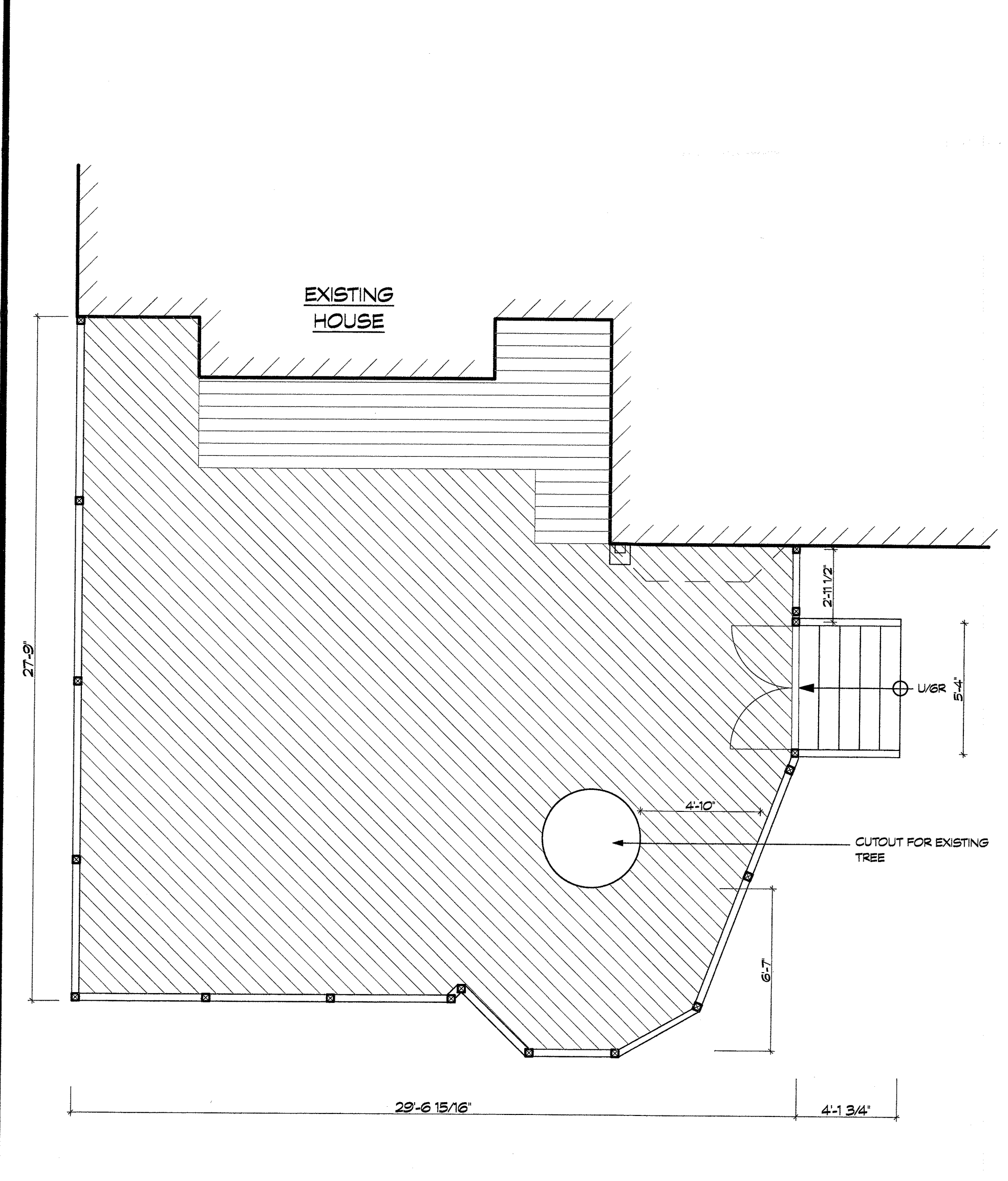
**4 WEST ELEVATION**  
SCALE: 1/4" = 1'-0"



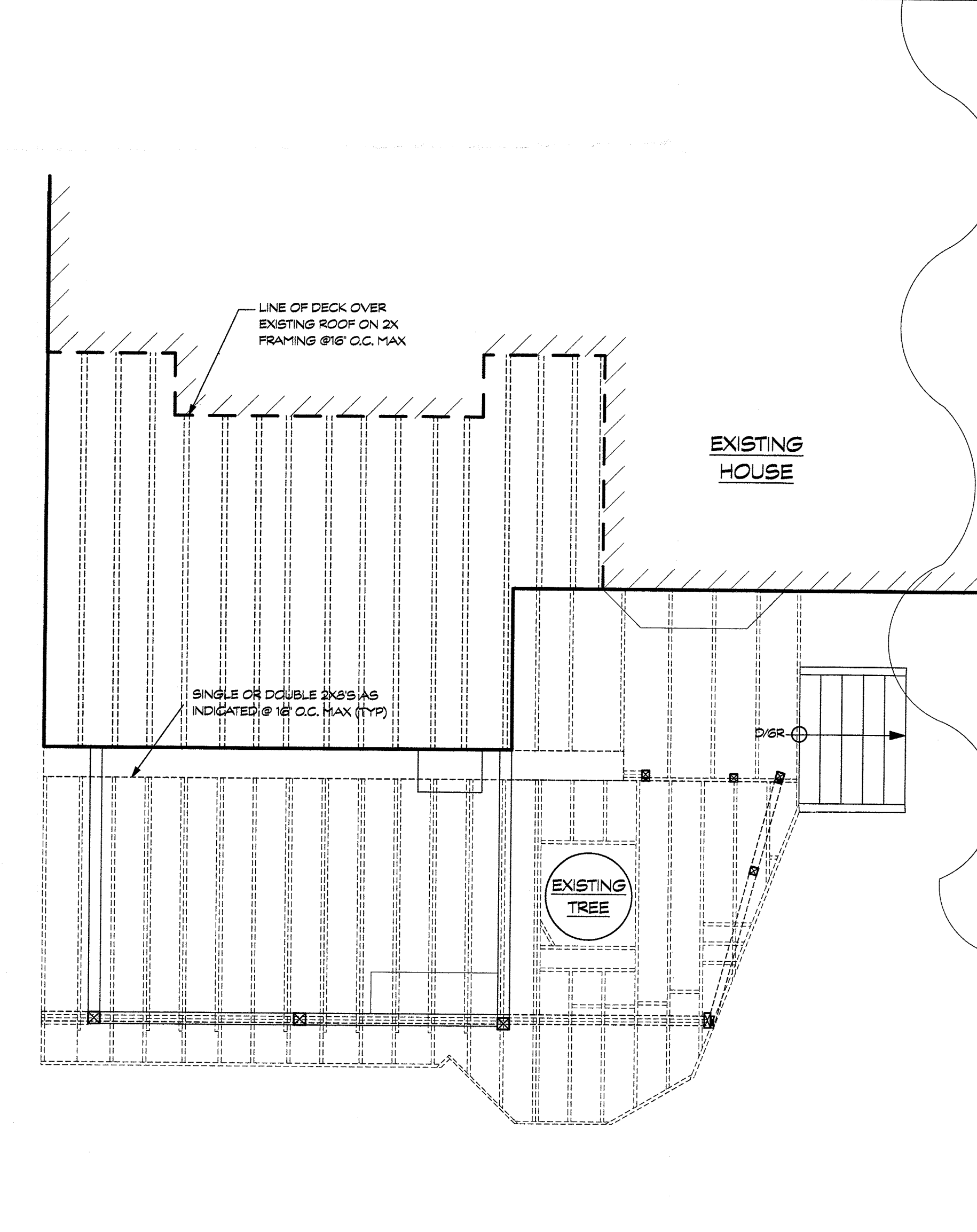
**5 NORTH ELEVATION**  
SCALE: 1/4" = 1'-0"



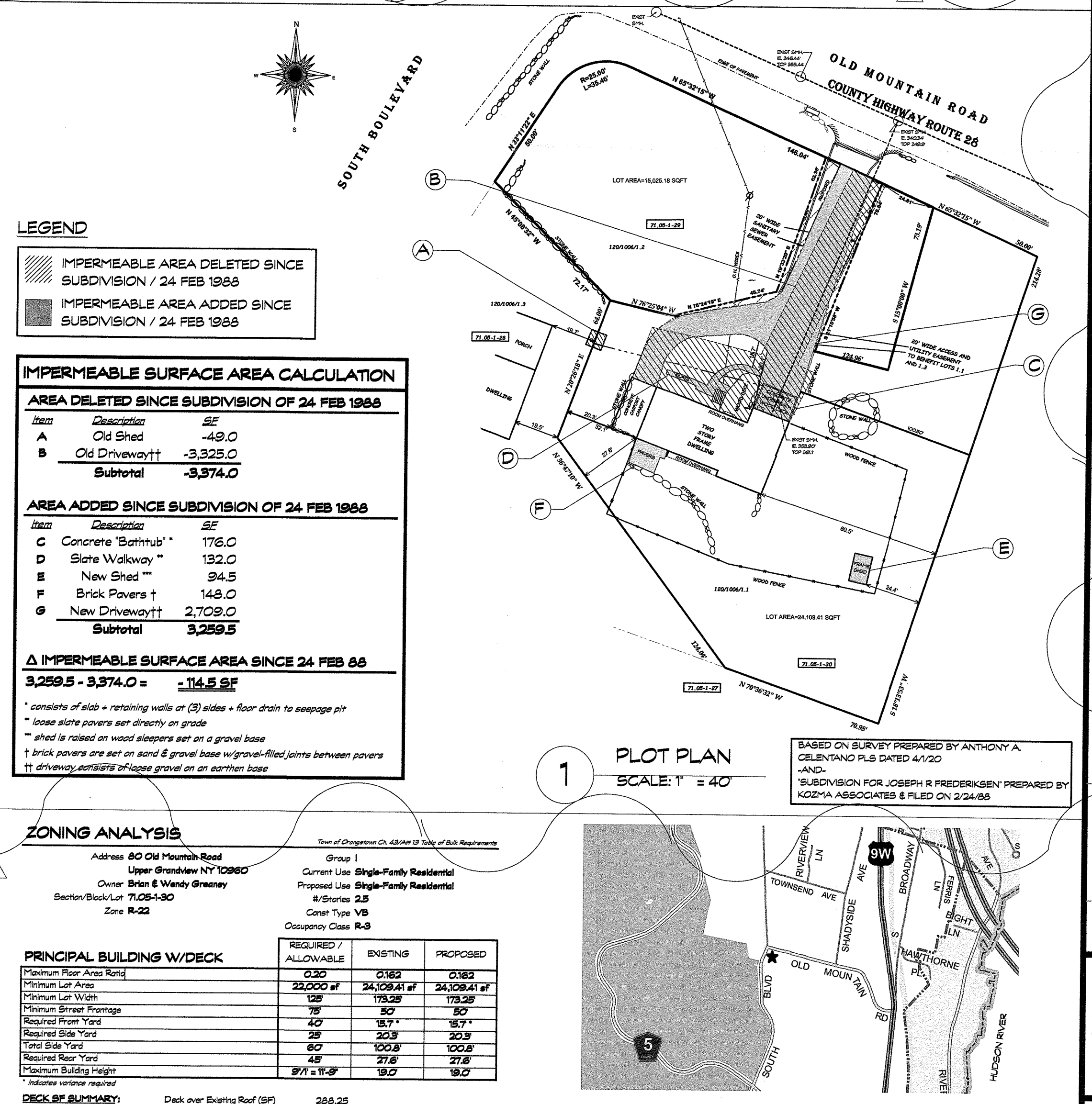
**6 EAST ELEVATION**  
SCALE: 1/4" = 1'-0"



**3 FLOOR PLAN**  
SCALE: 1/4" = 1'-0"



**2 STRUCTURAL PLAN**  
SCALE: 1/4" = 1'-0"



**LEGEND**

- IMPERMEABLE AREA DELETED SINCE SUBDIVISION / 24 FEB 1988
- IMPERMEABLE AREA ADDED SINCE SUBDIVISION / 24 FEB 1988

**IMPERMEABLE SURFACE AREA CALCULATION**

**AREA DELETED SINCE SUBDIVISION OF 24 FEB 1988**

Item	Description	SF
A	Old Shed	-49.0
B	Old Driveway	-3,325.0
<b>Subtotal</b>		<b>-3,374.0</b>

**AREA ADDED SINCE SUBDIVISION OF 24 FEB 1988**

Item	Description	SF
C	Concrete "Bathroom"	176.0
D	Slate Walkway	132.0
E	New Shed	94.5
F	Brick Pavers	148.0
G	New Driveway	2,709.0
<b>Subtotal</b>		<b>3,259.5</b>

**Δ IMPERMEABLE SURFACE AREA SINCE 24 FEB 88**  
3,259.5 - 3,374.0 = **-114.5 SF**

- \* consists of slab + retaining walls on (B) sides + floor drain to seepage pit
- \*\* loose stone pavers set directly on grade
- \*\*\* shed is raised on wood sleepers set on a gravel base
- † brick pavers are set on sand & gravel base w/gravel-filled joints between pavers
- ‡ driveway consists of loose gravel on an earthen base

**ZONING ANALYSIS**

Address: 80 Old Mountain Road  
Upper Grandview NY 10960  
Owner: Brian & Wendy Greaney  
Section/Block/Lot: T105-1-30  
Zone: R-22

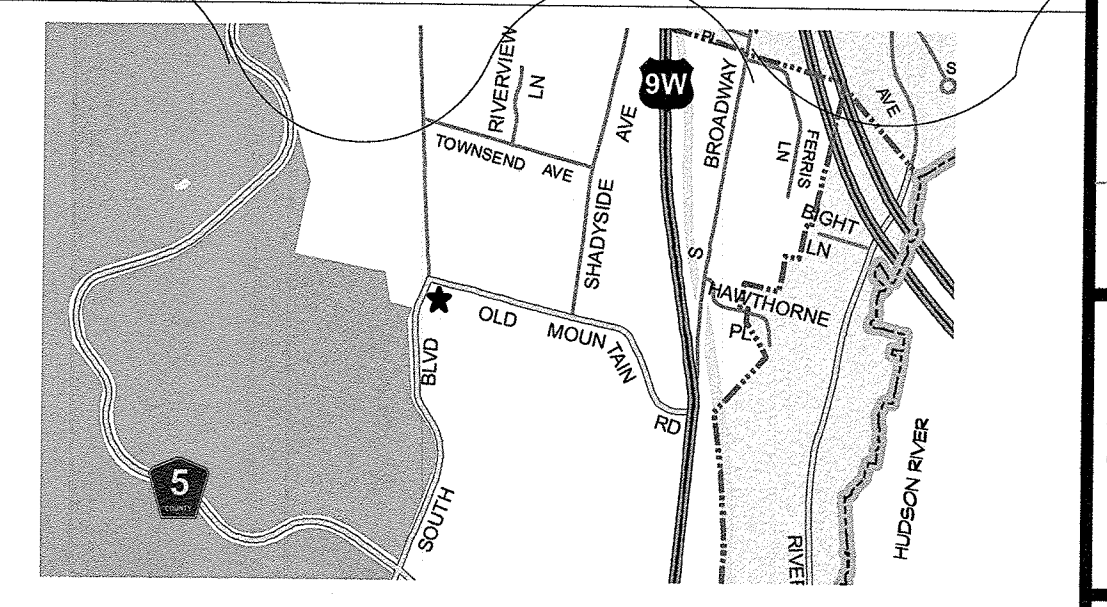
Group 1  
Current Use: Single-Family Residential  
Proposed Use: Single-Family Residential  
§ Distance: 25  
Consent Type: VB  
Occupancy Class: R-3

**PRINCIPAL BUILDING W/DECK**

	REQUIRED / ALLOWABLE	EXISTING	PROPOSED
Maximum Floor Area Ratio	0.30	0.182	0.182
Minimum Lot Area	22,000 sq ft	24,509 sq ft	24,509 sq ft
Minimum Lot Width	125'	173.28'	173.28'
Minimum Street Frontage	75'	50'	50'
Required Front Yard	40'	18.1'	18.1'
Required Side Yard	25'	20.3'	20.3'
Total Side Yard	60'	100.8'	100.8'
Required Rear Yard	48'	27.8'	27.8'
Maximum Building Height	37'1" + 11'-0"	19.2'	19.2'

**DECK SF SUMMARY:**

Deck over Existing Roof (SF)	288.25
+ Free-standing Deck (SF)	443.00
= Total Deck (SF)	731.25



**VICINITY MAP**  
N.T.S.

APR 4 2023  
Town of Orangetown