

**ZONING BOARD OF APPEALS**

Town of Orangetown  
26 Orangeburg Road  
Orangeburg, New York 10962  
(845) 359-8410 (ext. 4316)  
Date: May 14, 2025

TO: OBAPAE  
NYS Dept of Environmental Conservation  
New York State Dept. of Transportation  
Palisades Interstate Park Commission  
NYS Thruway Authority  
Scenic Hudson  
ACOE  
Rockland County Drainage  
Rockland County Health  
Rockland County Planning  
Rockland County Highway  
Rockland County Swr Dstrt #1  
Orange and Rockland Utilities  
Veolia

This matter is scheduled for: June 18, 2025

Review of Plans: Pierce, 76 Old Mountain Road, Upper Grandview, NY

**Section 71.05    Block 1    Lot 26    R-22 zone**

Chapter 43, R-22 District, the addition of second floor over the existing/proposed porch location is an expansion of non-conforming bulk as the front yard is only 16.1’ with 40’ required. Per 9.34, “Extension or enlargement... To the extent the district bulk regulations permit, and on application of the Board of Appeals, any use, except a sign, first permitted by right or by special permit, in any district, may be extended up to but not exceeding an aggregate increase of 50% in its floor area or of its land area occupancy if a nonbuilding use. However, this provision may be used only once for each such use.”. Group I, Section 3.12 bulk variances are required, Column 8 (Front Yard: 40’ required, 16.1’ proposed), Column 11 (Rear yard 45’ required, 14.19’ proposed) for a two-story addition, replacement of a lower deck, new upper deck, and interior renovations at an existing single-family residence. The premises are located at 76 Old Mountain Road, Upper Grandview, New York and identified on the Orangetown Tax Map as Section 71.05, Block 1, Lot 26 in the R-22 zoning district.

Please review the information enclosed and provide comments.  
These comments may be mailed, or e-mailed 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: 26 Orangeburg Road, Orangeburg, NY 10962
- Email to Zoning Board: [KBettmann@orangetown.com](mailto:KBettmann@orangetown.com)

**Zoning Board Meeting Date: June 18, 2025**

- ( ) 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, June 18, 2025

**Kindly forward your completed review to this office BEFORE June 18, 2025**

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

Name:\_\_\_\_\_Date:\_\_\_\_\_

Signature: \_\_\_\_\_  
Thank you, Katlyn Bettmann (EXT. 4316)



407 Newtown Av, Norwalk CT 06851

**Addition to the Residence of Chad and Amanda Pierce**

76 Old Mountain Road South

Upper Grandview, Town of Orangetown, NY

**Narrative****Zoning Board of Appeals and Planning Board**

November 6, 2024

Rev. March 21, 2025

**Overview**

This narrative has been revised to address the concerns and issues raised at the January 8, 2025 Planning Board Public Hearing (PB#25-01) at which the Planning Board declared itself Lead agency, and Pre-Preliminary and Preliminary Approvals were granted. The narrative ends with responses to specific concerns raised by the agencies and consultants who reviewed the applicant's materials submitted to the Planning Board, and were reviewed at the January 8, 2025 Planning Board Meeting.

Because the property is located in a designated Critical Environmental Area, review by and approval from the Town of Orangetown [the Town] Planning Board [PB] are required. (Art. X, Sect. 501 (g)(i) of the Zoning Code [the Code]). Due to the unique circumstances of this site, a zoning interpretation and two area variances will also be requested from the Zoning Board of Appeals [ZBA]. (See the Zoning Bulk, Yard Designations, Front Yard Setback, and Building Height sections of this Narrative for a detailed discussion.) It is the applicant's intention to satisfy the concerns of both the Planning Board, the Zoning Board of Appeals, the responding agencies, and their consultants, and return to the Planning Board for Final Approval subject to the Zoning Board of Appeals granting the variances necessary to proceed.

**Background**

**Description of the Proposed Work.** The applicant wishes to replace a first-floor roofed porch with a modest two-story addition in keeping with their proudly renovated eighty-five-year-old home and its grounds. The house is relatively small and the addition will allow the family to function in a contemporary lifestyle. The basement utility room will be partitioned. The laundry appliances will be relocated to the first floor and the basement space finished to accommodate fitness equipment that the Pierces wish to isolate from their five-year old twin sons. The first-floor addition will occupy the same footprint as the existing porch roof. It will feature a service entrance with a vestibule for removal of coats and boots, and a laundry area. A small, unroofed concrete access platform will be constructed. Approximately 240 square feet of the front yard will be regraded to create a more level area. A second-floor walk-in clothes closet and master bathroom will be added above. (Presently, the Pierce's and their two children share one bathroom.) The defined building height of the addition will not exceed

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the present height of the house. Concurrently, the Pierces wish to lower the concrete slab beneath the northerly portion of the existing deteriorating deck; and to replace the deck that spans the east side of their house with a structurally sound deck and stairs to grade. A small second-floor deck will project out from the master bathroom.

**Effect on the Site and Its Surrounds.** The property is landlocked with no adjacency to a public street. The house is sited in such a manner as to visually separate itself from all neighboring properties and the street by dense border tree foliage; therefore, the improvements will have no visual impact on neighboring homes or the streetscape. A Google Maps aerial view is attached as an Exhibit to this application.

The footprint of impervious area will increase by 382 square feet which is below the threshold at which storm water management mitigation measures are required. Since storm water runoff flow is influenced in part by a coefficient that decreases along with a decrease in land slope, a reduction in slope of 240 square feet of land close to the new north side addition will decrease runoff – but only marginally. Erosion control will be mitigated with silt fencing. A detail appears on the first page of the accompanying construction documents.

**Environmental Assessment.** The applicant referenced the NYS EAF Mapper Screening Tool. Two mandated answers are of particular note:

1. The site is situated in a Significant Biodiversity Area of the Hudson River Valley. The Shortnose Sturgeon and Atlantic Sturgeon are identified as endangered species. Their natural habitat is in the Hudson River and will not be measurably impacted by the proposed action. Nor will the proposed action threaten any other ecological feature.
2. The site is listed as “in or adjacent to an area sensitive for archeological sites on the NYS Historic Preservation Office archaeological site inventory. Our investigation has uncovered no archaeological findings on or adjacent to this particular site. There are state and town parklands in the vicinity of the site. None will be impacted by the proposed improvements.

**Zoning Bulk.** The application for a building permit revealed a characteristic so uncommon that it is not addressed in the Zoning Ordinance of the Town Code [the Code]: The originally approved subdivision provided no street frontage to the subject parcel. Rather, the property is accessed from Old Mountain Road South via a ten-foot wide right-of-way easement through the neighboring property to the north. (Refer to the attached Deed and Corrective Right of Way. Due to the vague language of the Code, other bulk standards associated with pre-existing non-conformance require either an interpretation by or variance from the ZBA. The Applicants and this Architect-Planner have been advised by a very supportive Building Department staff that appearances before the ZBA and PB are the next logical steps toward achieving the Pierces’ aspirations for modest property improvement.

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**Yard Designations:** Under a prior building permit application by the former property owners (Smith-Kriz), this site was the subject of ZBA and PB review. That earlier proposed project was far more ambitious in scope and was approved by both land use boards – ZBA#19-107 and PB#20-12, findings attached). The project was never built. Subsequently, Deputy Building Inspector Rick Oliver and the Town Attorney determined that, for purposes of evaluating the conformance to yard bulk regulations, the “Front Yard” should best be assigned to the northerly yard rather than the westerly yard. This newer determination is logical because the northerly yard is closest to a public street (Old Mountain Road South), the mailing address is assigned to that street, and access to the house is by right-of-way through a neighbor’s property from that public street. But neither assignment of Front Yard is supported by a Code reference. Therefore, we respectfully request a ZBA endorsement of Mr. Oliver’s (and our) position designating the northerly yard as the Front Yard.

The newer Front Yard determination will also modify side and rear yard designations previously accepted and approved for Smith/Kriz by the Building Department. The new westerly side yard will be 37.9 feet – in excess of the minimum bulk requirement of 25 feet. The combined side yard setbacks will be approximately 193.8 feet – far greater than the minimum 60 feet required by the Bulk Tables. Thus, the side yards will conform to minimum Bulk Standards and no longer require designation as pre-existing non-conformances. The southerly yard is now the Rear Yard. Its setback depth will remain unchanged at 14.19 feet to the southeast corner of the deck and represents a pre-existing non-conformance. No greater variance will be required for the Rear Yard setback.

**Front Yard Setback:** The Bulk Table of the Code directs the reader to Attachment 18, “Notes to Use and Bulk Tables”, Note 7 which states, “required front yards and maximum building heights are subject to Section 5.111 with the Designated Street Line being used as the lot line.” Code Section 11.2, Definitions does not offer clarification in this unique instance. It defines the Front Lot Line as “the line of a street on which a lot line fronts or abuts.” This definition does not address land-locked parcels with no abutting street frontage. In this rare instance, Code language is lacking. For the subject site, a strict reading of the Code requires measurement of the front yard setback from the Designated Street Line as approximately 237.88 feet to the closest point of the face of the building. We request the ZBA to determine that the front yard meets the strict language of the Code (as measured from the Designated Street Line to the face of the building). In absence of that interpretation, we request the ZBA to affirm that the northerly yard is the front yard and recognize that the 16.1 feet setback (as measured from the rear lot line of the adjacent lot to the north to the face of the addition) may be interpreted as a pre-existing non-conformance requiring no further front yard setback variance. The enlargement of the house will retain the existing front yard setback. Code Section 9.2 states, “. . . enlargement is permitted if the same does not increase the degree of non-conforming bulk in such buildings.” This language is interpreted by the Building Department and Town Attorney’s office such that a second story addition increases the degree

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of non-conformance. If the ZBA agrees with this interpretation, then the applicant respectfully requests a variance to permit the addition of a second floor without further violating the front yard setback.

**Building Height:** Maximum Building Height is defined as a ratio of inches per foot distant from the lot line. The table of General Bulk regulations, Column 12 allows a maximum Building Height in an R-22 zone of 9"/foot distant from the property line. From the Front Yard Setback discussion above, this is subject to Attachment 18 "Notes to Use and Bulk Tables", Note 7. Thus, we are compelled to measure building height from the Designated Street Line – not the Front Yard Line. Conferring the code-required 9" per foot distant from the designated street line ratio, the proposed 23.08' building height falls well below the calculated Code-allowable height. (The proposed height is also no greater than the maximum pre-existing building height as measured on the other faces of the house.) We ask the ZBA for affirmation of the interpretation above. In the absence of that affirmation, we ask the ZBA to grant a variance allowing 1'-5" per foot distant from the northerly front yard line – which equates to a 23.08 feet building height as measured along the proposed north face of the building to the applicant's front yard line. (The existing rear building height calculates at 1'-6" per foot from the rear lot line to the face of the building.) Code Section 5.21(b) was referenced for potential building height relief; however, this section only addresses exceptions to side yard setbacks which conform.

**Safe Access:** The fire inspector noted that the tree canopy on the neighboring property above the access right-of-way easement might hinder fire-fighting equipment from accessing the site. A note has been placed on the site plan directing the tree canopy to be maintained a minimum of 13'-6" above grade.

**How the proposed plan meets the criteria for granting variance:**

a. Undesirable change will not be produced in the character of the neighborhood. The house will not be visible to its neighbors or the street. The improvements are modest and in keeping with the size of adjacent homes. Exterior designs of surrounding houses are eclectic – from Second Empire Victorian to Mid-Century Modern. Neighbors support the improvements as a betterment to the neighborhood and the environment. (Please refer to the attached letters of support.)

b. As described earlier in the narrative, the Applicant is not convinced that a variance is necessary. It is dependent upon code interpretation by the ZBA. Insofar as this property has no street frontage, the site is unique and some associated bulk requirements were not adequately addressed by the Code for this occurrence. In other instances, the language of the Code is vague or contradictory and open to interpretation. [In such cases, land use law favors the applicant as and against the author of the Code. (The Town of Orangetown)].

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c. Should the ZBA deem that variances are required, the effect on the community will be inconsequential.

d. The listed bulk variance items before the ZBA are minimal in nature, similar to other additions in the neighborhood, cannot be achieved by other feasible means, and will have a beneficial, rather than adverse, effect on the community.

e. The action will not result in increased population density, surface water, traffic pattern, solid waste, erosion, or flooding. It will not affect environmental, historical, archaeological or architectural features. It will not negatively affect vegetation, natural resources, or wildlife. It will have no adverse impact on the social, economic or health of the community.

g. The decision to create the improvements was solely that of the property owner. The need is not the result of a hardship but rather confers the minimum impact solution to accommodate a modest twenty-first century family lifestyle.

h. The proposed addition will not change the land use and is consistent with the goals of the Town of Orangetown Comprehensive Master Plan. Furthermore, it will have no negative impact on the environment.

### Responses to Department and Agency Comments

The responses below should be used in conjunction with the identified and dated department, agency, and consultant comments previously submitted to the Planning Board and read into the record at its public hearing on January 8, 2025. Each series of responses follows the numerical order of the identified agency's comments.

#### Office of Building, Zoning Planning Administration and Enforcement January 7, 2025.

1. The SEAF has been revised to indicate the full scope of work.
2. A larger, updated signed and sealed land survey and site plan have been submitted.
3. There are no existing trees in the area of the work.
4. The retaining wall has now been shown on the site plan, and dimensioned on the architectural drawings.
5. This revised narrative is being submitted to the ZBA. Please refer to the discussion at "Front Yard Setback" on page 3 above.
6. The definition and application of "Front Yard Setback" will be established through the ZBA Appeal process. If the front yard setback is determined to be 16.1 feet, then a variance from Column 8 must be and is requested. The rear yard setback will remain unchanged. The applicant is replacing a rear deck but will not reduce the existing 14.19' rear yard setback.

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Rev. March 21, 2025

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7. We agree. The SEAF has been changed as suggested.
8. Agreed.

**Department of Environmental Management and Engineering–Town of Orangetown** January 7, 2025

1. The total area of disturbance is now listed on Drawing A-010.
2. The ground cover under the deck is now identified.
3. The additional impervious surface area will be 382 SQFT (less than the 400 SQFT threshold).
4. Not applicable because of the limited additional SQFT contributed.
5. See 4, above.
6. See 4, above.
7. The existing 190' long gravel driveway will serve as a stabilized construction entrance.
8. A soil erosion and sediment plan has been added to the title page of the architectural drawings.
9. The existing septic system is now indicated on Drawing A-001.
10. The iron pins have been labeled to be installed on the Site Plan.
11. The datum of the contours is shown and referenced on the Survey and Site Plan, Drawing A-001.

**Bureau of Fire Prevention** December 10, 2024

Comments accepted.

**Brooker Engineering** January 6, 2025

1. Topographic contours are readable on the larger supplied site plan (Drawing A-001)
2. The decrease in runoff due to the reduced slope in a small area is insignificant. The added impervious surface area is less than 400 SQFT, thus does not require remediation.
3. See 2, above.
4. Roof areas and downspouts remain unchanged.
5. The septic tank and absorption field now appear on the site plan.

General: No discretionary revisions have been made to the plans other than to slightly reduce the size of the decks and thus marginally reduce impervious area and runoff from the previous submission.

Drainage Review: Accepted and agreed.

**Rockland County Department of Planning** December 17, 2024.

1. The SEAF has been revised to satisfy the EAF Mapper.
2. The answer to question 12b has been corrected. There are no identified on-site discoveries; however, the site is in the general vicinity of county and town parkland. The action should have no effect on historic places or parklands.
3. Existing trees surround the perimeter of the site and are distant enough from the area of construction that they will not be affected by the proposed work. It would be an unnecessary and unfair burden on the Applicant to identify all the trees on the site's perimeter.

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Rev. February 15, 2025

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4. Since the proposed site work is so limited, the applicant requests a waiver from referral to the Rockland County Soil and Water Conservation District.
5. The increased impervious area is below the threshold requiring mitigation.
6. This action will not significantly impact Significant Biodiversity Areas (SBAs).
7. Accepted.
8. Since the increase in impervious surface is so small, there will be no significant increase in rate of storm water discharge.
9. No objection.
10. No objection
11. No objection
12. No objection
13. No objection

**Rockland County Sewer District No. 1** December 11, 2024

The applicant has no further comment.

**Alfred Gaddi, PE on behalf of O&R Utilities, Inc** December 5, 2024

Duly noted. No objection. The General Notes on drawing A-010 reference Code 753.

Respectfully submitted and

Very Truly Yours,

**Jan Degenshein**

ARCHITECT/PLANNER, PC

Jan Degenshein EMERITUS AIA FAICP LEED AP  
President

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Name of Municipality: TOWN OF ORANGETOWNDate Submitted: 03/28/2025TOWN OF ORANGETOWN  
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Please check all that apply:

<input checked="" type="checkbox"/> <b>Planning Board</b>	<input type="checkbox"/> Commercial	<input type="checkbox"/> Residential
<input checked="" type="checkbox"/> <b>Zoning Board of Appeals</b>		<input type="checkbox"/> <b>Historical Board</b>
		<input type="checkbox"/> <b>Architectural Board</b>
<input type="checkbox"/> Subdivision		<input type="checkbox"/> Consultation
<input type="checkbox"/> Number of Lots		<input type="checkbox"/> Pre-Preliminary/Sketch
<input checked="" type="checkbox"/> Site Plan		<input type="checkbox"/> Preliminary
<input type="checkbox"/> Conditional Use		<input type="checkbox"/> Final
		<input type="checkbox"/> Interpretation
<input checked="" type="checkbox"/> Special Permit		
<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: PIERCE RESIDENCEStreet Address: 76 OLD MOUNTAIN ROAD SOUTH  
UPPER GRANDVIEW, NY 10960

Tax Map Designation:

Section: 76.05 Block: 1 Lot(s): 26  
Section: \_\_\_\_\_ Block: \_\_\_\_\_ Lot(s): \_\_\_\_\_

Directional Location:

On the SOUTH side of OLD MOUNTAIN ROAD SOUTH, approximately  
263 feet WEST of the intersection of SHADYSIDE AVE, in the  
Town of ORANGETOWN in the hamlet/village of UPPER GRANDVIEW.Acreage of Parcel 0.43  
School District NYACK UNION FREE  
Ambulance District NYACK  
Water District ORANGETOWNZoning District R-22  
Postal District NYACK  
Fire District NYACK JOINT  
Sewer District ORANGETOWNProject Description: (If additional space required, please attach a narrative summary.) SEE NARRATIVEREPLACE COVERED PORCH W/ 2-STORY ADDITION: MUDROOM & LAUNDRY RM; MASTER BATHROOM &  
BATH ABOVE. REPLACEMENT & EXTENSION OF 1ST FL DECK. ADDITION OF SMALL 2ND FL.  
DECK. PARTIAL FINISH OF BSMT UTIL. RM. FOR FITNESS EQUIPMENT

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

Date: 03/28/2025 Applicant's Signature: \_\_\_\_\_

# APPLICATION REVIEW FORM

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## FILL IN WHERE APPLICABLE.

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( 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 18,741
- 2) Total square footage 18,741
- 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 YES: 18,741 GSF ; 17,548 NET SF

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.

BB 19-43 - SMITH-KRIZ CRIT. ENV. AREA 07/17/2019 FINAL APPROVAL  
ZBA 19-107 - SMITH-KRIZ YARD & BULK VARIANCES 12/04/2019 VARIANCES GRANTED  
PB-2501 - PIERCE - CRIT. ENVIR. AREA 08/08/2025 PRE-PRELIMINARY & PRELIMINARY APPROVALS

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

NONE





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

26 Orangeburg Road  
Orangeburg, NY 10962

Jane Slavin, R.A.  
Director

(845)359-8410

Fax: (845) 359-8526

**REFERRAL TO THE PLANNING BOARD**

Date: 11.13.244 Section: 71.05 Block: 1 Lot: 126

Applicant: Pierce

Address: 76 Old Mountain Rd, Upper Grandview, NY

RE: Application Made at: same

Referred For: **§ 10.223 (g) [1][a] Planning board approval required.**

[a] Applications for a permit for new construction, additions or exterior modifications within these designated critical environmental areas shall be accompanied by a site plan which shows the existing contours (at two-foot intervals), all existing trees (as hereinafter specified), construction limit lines, all proposed construction and site alterations, drainage calculations and soils data as required by the Inspector. Said applications shall be referred by the Inspector to the Planning Board for site plan approval.

Comments:

addition, decks

Dear Pierce,

Please be advised that the Building Permit Application # 5465-24, which you submitted on 6.28.24, has been referred to the Orangetown Planning Board. Please contact the Board office at 845-359-8410 ext. 4331 and someone will assist you in the preparation necessary to appear before the board or you may email Gerard Chesterman at [gchesterman@orangetown.com](mailto:gchesterman@orangetown.com)

Sincerely,

Richard Oliver  
Deputy Building Inspector

11/13/24

Signature of Director  
NOTE: PLEASE KEEP FOR YOUR RECORDS  
FO-01-2024 : emd

11/14/24

Date  
CC: Gerard Chesterman  
Elizabeth Decort

# Short Environmental Assessment Form

## Part 1 - Project Information

### Instructions for Completing

**Part 1 – Project Information:** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 – Project and Sponsor Information</b>			
Name of Action or Project: Addition to Pierce Residence			
Project Location (describe, and attach a location map): 76 Old Mountain Road South, Upper Grandview, NY 10960			
Brief Description of Proposed Action: Replace one store roofed porch with a first-floor entry/ laundry area and second floor master bedroom, master bathroom, and closet. Replace the existing wood deck with a new deck and stair. Add a small wood deck from the new master bathroom. over a portion of the wood deck below. Drop the grade of a portion of the concrete patio so it will have adequate head height for habitation			
Name of Applicant or Sponsor:  Chad Pierce		Telephone: (347) 266-4871  E-Mail: cmpierce66@gmail.com	
Address: 76 Old Mountain Road South			
City/PO: q Upper Grandview		State: NY	Zip Code: 10960
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO  <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: Town of Orangetown Zoning Board of Appeals			YES  <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ 0.43 acres b. Total acreage to be physically disturbed? _____ 0.01 acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ 0.43 acres			
4. Check all land uses that occur on, are adjoining or near the proposed action: 5. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify): <input type="checkbox"/> Parkland			

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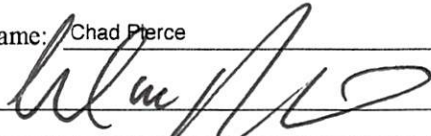


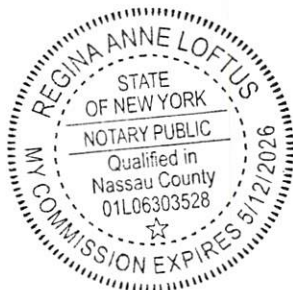
5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES	
Name: Upper Grandview & Environs, Reason: Exceptional or unique character, Agency: Orangetown, Town of, If Yes, identify: Date: 10-16-88	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation services available at or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____ _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	<input type="checkbox"/>	<input type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____			

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14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered? Atlantic Sturgeon, Shortnose Sturgeon	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	<input type="checkbox"/>	<input type="checkbox"/>
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: 344075 & 546031	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>  Applicant/sponsor/name: Chad Pierce      Date: 01/24/2025 Signature:  Title: Owner      4-7-25		



April 7, 2025

Per Owner JS

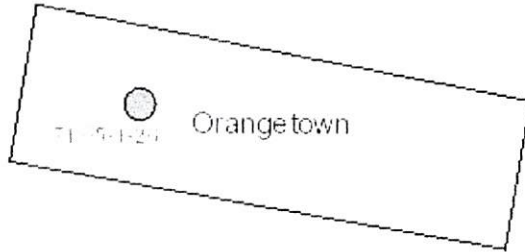
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PRINT FORM

**Disclaimer:** The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.



Part 1 / Question 7 [Critical Environmental Area]	Yes
Part 1 / Question 7 [Critical Environmental Area - Identify]	Name:Upper Grandview & Environs, Reason:Exceptional or unique character, Agency:Orangetown, Town of, Date:10-16-88
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	No
Part 1 / Question 12b [Archeological Sites]	Yes
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	No
Part 1 / Question 15 [Threatened or Endangered Animal]	Yes
Part 1 / Question 15 [Threatened or Endangered Animal - Name]	Atlantic Sturgeon, Shortnose Sturgeon
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	Yes

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# AFFIDAVIT

State of New York        )  
County of Rockland    ) SS.:  
Town/Village of \_\_\_\_\_)

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
71.05-1-25	GEORGE FOX	286 SOUTH BLVD., UPPER GRANDVIEW, NY 10960
71.05-1-26	CHAD PIERCE	76 OLD MOUNTAIN RD., UPPER GRANDVIEW, NY 10960
71.05-1-27	FRANCESCA FUSCO	282 SOUTH BLVD. <del>MOUNTAIN RD.</del> UPPER GRANDVIEW, NY 10960
71.05-1-31	ALTUS GROUP US INC	PO BOX 71970, PHOENIX, AZ 85050
71.05-1-32	MICHAEL ROSEN	74 OLD MOUNTAIN RD., UPPER GRANDVIEW, NY 10960
71.05-1-33	JESSICA SILVERSTEIN	72 OLD MOUNTAIN RD., NYACK, NY 10960

PB #25-01: Pierce Residence Site Plan  
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TO: Chad and Amanda Pierce, 76 Old Mountain Road South, Upper  
Grandview, New York 10960  
FROM: Town of Orangetown Planning Board

# 25-01 66 January 27, 2025  
PB #25-01: **Pierce Residence Site Plan:** The application of Jan Degenshein, applicant, for Chad and Amanda Pierce, owner, for Prepreliminary/Preliminary/Final Site Plan Review at a site to be known as "Pierce Residence 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 76 Old Mountain Road South, Upper Grandview, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as ~~Section 71.01, Block 1, Lot 26~~ *Section 71.05, Block 1, Lot 26* *66 January 27, 2025*  
~~25~~ R-22 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held January 8, 2025 at which time the Board made the following determinations:

January 8, 2025

Jan Degenshein, applicant and architect, and Chad and Amanda Pierce, homeowners, appeared and testified. The Board received the following communications:

1. Project Review Committee Report dated December 11, 2024.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, RA, Director, January 7, 2025.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown signed by Bruce Peters, P.E., Commissioner, dated January 7, 2025.
4. Interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by David Majewski, Chief Fire Inspector, dated December 10, 2024.
5. Brooker Engineering Drainage Consultant letter, signed by Dennis Rocks, P.E., dated January 6, 2025.
6. Letter from Rockland County Department of Planning, signed by Douglas J. Schuetz, dated December 17, 2024.
7. Letter from Rockland County Sewer District NO. 1, signed by Nicholas King, dated December 11, 2024.
8. Letter from Orange and Rockland Utilities, signed by Alfred Gaddi, P.E., dated December 12, 2024.
9. Narrative titled "Addition to the Residence of Chad and Amanda Pierce", prepared and signed by Applicant Jan Degenshein, dated November 6, 2024.
10. Applicant letter prepared and signed by Applicant Jan Degenshein, dated November 8, 2024.

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PB #25-01: Pierce Residence Site Plan  
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11. Short Environmental Assessment Form, prepared and signed by Chad Pierce, dated October 11, 2024.
12. Architectural Plans titled "Addition to: Pierce Residence", prepared and signed by Jan Degenshein, Architect-Planner, P.C.
  - Last revised October 25, 2024:
    - Drawing NO. A-000: Energy Code Req'mts Location/Zoning Maps, Zoning Information, Site Plan & Drawing List.
    - Drawing NO. A-300: Basement / Foundation Alteration & Addition Plan & Building Section.
    - Drawing NO. A-301: First Floor Alteration & Addition Plans & Deck Details.
    - Drawing NO. A-302: Second Floor Alteration & Addition Plans & Rescheck
  - Last revised September 18, 2024:
    - Drawing NO. A-010: Basement Floor Existing Conditions & Demolition Plans General Notes & Demolition Notes & Legend.
    - Drawing NO. A-030: Existing Elevations & Exterior Demolition
    - Drawing NO. A-500: South & West Proposed Elevations
    - Drawing NO. A-501: North & East Proposed Elevations
    - Drawing NO-700: Wall Sections & Details
  - Last revised April 3, 2024:
    - Drawing NO. A-020: First & Second Floors Existing Conditions & Demolition Plans.
13. Notice from the Town of Orangetown Zoning Board of Appeals consenting the Planning Board to serve as Lead Agency, signed by Michael J. Bosco, dated December 4, 2024.
14. Notice from the Town of Orangetown Zoning Board of Appeals indicating no comments at this time, signed by Michael J. Bosco, dated December 4, 2024.
15. Notice from the Rockland County Department of Planning consenting the Planning Board to serve as Lead Agency, signed by Rachael Gaffney, dated December 9, 2024.
16. Notice from the Rockland County Department of Planning indicating comments attached, signed by Michael J. Bosco, dated December 9, 2024.

A motion was made to open the Public Hearing portion of the meeting by Michael Mandel-Vice Chairman and second by Andrew Andrews and carried as follows: Matthew Miller, absent; Thomas Warren - Chairman, aye; Michael Mandel - Vice Chairman, aye; Michael McCrory, aye; Andrew Andrews, aye; Denise Lenihan, aye; Bruce Bond (alternate member), Absent; and Lisa DeFeciani, aye.

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There being no one else to be heard from the public, a motion was made to close the public portion of the meeting by Michael Mandel-Vice Chairman and second by Andrew Andrews and carried as follows: Matthew Miller, absent; Thomas Warren - Chairman, aye; Michael Mandel - Vice Chairman, aye; Michael McCrory, aye; Andrew Andrews, aye; Denise Lenihan, aye; Bruce Bond (alternate member), Absent; and Lisa DeFeciani, aye.

#### SEQRA

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

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

offices, officials and/or Departments: (Town of Orangetown): Office of Building, Zoning, Planning Administration and Enforcement and Department of Environmental Management and Engineering; and having heard from the following involved and interested agencies: Town of Orangetown Zoning Board of Appeals, Rockland County Department of Health, Rockland County Department of Highways, Rockland County Planning Department, 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;

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- 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.

Motion for lead agency was made by Michael Mandel-Vice Chairman and second by Andrew Andrews and carried as follows: Matthew Miller, absent; Thomas Warren - Chairman, aye; Michael Mandel - Vice Chairman, aye; Michael McCrory, aye; Andrew Andrews, aye; Denise Lenihan, aye; Bruce Bond (alternate member), Absent; and Lisa DeFeciani, aye

On motion by Michael Mandel-Vice Chairman and seconded by Lisa Defeciani and carried as follows: Matthew Miller, absent; Thomas Warren - Chairman, aye; Michael Mandel - Vice Chairman, aye; Michael McCrory, aye; Andrew Andrews, aye; Denise Lenihan, aye; Bruce Bond (alternate member), Absent; and Lisa DeFeciani, 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 **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 reviews and approvals from various governmental agencies must be obtained prior to stamping of the plan.

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4. The Town of Orangetown Office of Building, Zoning, Planning, Administration and Enforcement reviewed the information and offered the following comments:
  1. The narrative states that they intend to enclose the existing porch, however the plans indicate that the existing porch is being full demolished and new foundation and grading are occurring. The SEAF must be revised to indicate full scope of work.
  2. The scale of the proposed site plan is small and the numbers are difficult to read. Scale of drawing should be enlarged. Plans must also be signed/sealed by surveyor or engineer per Town Code.
  3. Existing trees in the area of the proposed work shall be shown and any trees that are being removed, if any.
  4. A retaining wall is shown on A-300 and must also be shown on the proposed site plan and indicate the dimensions and the top of wall elevation and the bottom of wall elevation.
  5. The addition of the second floor over the existing/proposed porch location is an expansion of non-conforming bulk as the front yard is only 16.1' with 40' required. Per 9.34, *"Extension or enlargement ... To the extent the district bulk regulations permit, and on application of the Board of Appeals, any use, except a sign, first permitted by right or by special permit, in any district, may be extended up to but not exceeding an aggregate increase of 50% in its floor area or of its land area occupancy if a nonbuilding use. However, this provision may be used only once for each such use."*
  6. Per Chapter 43, Table 3.12, the following bulk variances are required:
    - Column 8, required front yard is 40' with 16.1' proposed.
    - Column 11, rear yard required is 45' with 14.19' proposed.
  7. The SEAF must be revised as follows:
    - #7 shall be YES
    - #12b shall be YES
    - #14 check Suburban
    - #15 shall be YES and indicate Atlantic Sturgeon and Shortnose Sturgeon
    - #20 shall be YES and indicate 344075 & 546031
  8. The applicant is reminded that no work can begin and no permit will be issued until all comments are met from the various agencies, all approvals are obtained, the Final Site Plan is stamped and the construction plans are reviewed and approved by the inspector.

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5. The Town of Orangetown Department of Environmental Management and Engineering (DEME) reviewed the information and offered the following comments:
  1. The total area of disturbance shall be listed on the site plan.
  2. The proposed ground cover underneath the new wood deck shall be clearly labeled on the plans.
  3. The total area of new impervious surface(s) shall be listed on the site plan. Also, all locations that comprise the total area of new impervious surfaces shall be clearly identified and dimensioned on the site plan. A table summarizing all these locations shall be added to the plans.
  4. If the total amount (SQFT) of new impervious surfaces is equal to or greater than 400 SQFT, the applicant's engineer shall submit drainage calculations for a post construction stormwater runoff system for the project. The system shall be designed up to and including the 100-yr. storm.
  5. If a post construction storm system is required, soil analysis, perc tests and determination of groundwater elevations shall be performed at the proposed stormwater system location. These tests/ investigations shall be performed in the spring 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 these issues shall be submitted to this Department.
  6. If a post construction storm system is required, a post construction stormwater maintenance agreement for proposed stormwater system 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, individual inspection checklists for all existing and proposed storm water facilities, contact person with cell phone number, yearly report to be submitted to this Department, etc.
  7. A stabilized construction entrance shall be added to the site plan.
  8. A separate soil erosion and sediment control plan shall be submitted with the drawings.

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CONTINUATION OF CONDITION # 5.....

9. The existing sanitary sewer house connection or septic system shall be shown on the drawings (including all inverts.)
  10. Iron pins shall be drawn and labeled at each property corner. If iron pins are not currently present, they shall be as "to be installed" as part of this site plan.
  11. The datum for the contours shall be given. Also, A note shall be added to the Site Plan indicating the source benchmark for the referenced datum (including the BM elevation.)
6. The Town of Orangetown Bureau of Fire Prevention reviewed the information and does not have any comments at this time.
7. **Drainage Review – Brooker Engineering**  
It is the consultant's opinion that potential increases in stormwater runoff can be successfully mitigated for this project. We therefore recommend that the Pierce Residence Application can be approved for drainage subject to the above Project Comments.

**Project Description**

This the consultants first drainage review report to the Planning Board for this project. The applicants wish to enclose a first-floor roofed porch and add a second story addition to their existing house located at 76 Old Mountain Road South.

**Project Comments**

**Site Plans:**

1. Topographic contour labels are too small to read.
2. The Plans and Narrative indicate a modest increase in impervious area whereas the Narrative indicates a slight decrease in runoff. Please provide an explanation for how the decrease in runoff is achieved.
3. Once the potential change in runoff has been clarified the Applicant's Professional Consultant needs to indicate what impact if any this change may have.
4. Roof downspout locations and contributing roof areas should be indicated.
5. Indicate location of septic tank and absorption field/pit

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CONTINUATION OF CONDITION # 7.....

6. For the next submission please provide a narrative that responds to each comment. The Narrative should also indicate if any other discretionary revisions have been made to the plans that are not related to review comments.
8. The Rockland County Department of Planning reviewed the information and offered the following comments:
  1. Several questions on the Short Environmental Assessment Form (SEAF) are answered incorrectly. The EAF Mapper Application, provided by the New York State Department of Environmental Conservation (<https://gisservices.dec.ny.gov/eafmapper/>), indicates that questions 7, 12b, 15, and 20 on the SEAF should be answered affirmatively. To ensure accurate SEQRA documentation, the Town should encourage applicants to use this tool to complete the SEAF as it populates the answers to certain questions using New York State database information.
  2. As question 12b of the Short Environmental Assessment form (SEAF) should have been answered affirmatively per New York State records, a review must be completed by the New York State Office of Historic Preservation.
  3. This property is located within the Upper Grandview and Environs Critical Environmental Area (CEA). Section 10.223(g)(1) of the Orangetown zoning code outlines specific site plan and review requirements for permits within that area. Per the requirements of that Section, all existing trees should be identified on the site plan. The Planning Board must be assured that all CEA review requirements have been met.
  4. The application must also be referred to the Rockland County Soil and Water Conservation District unless waived by the Inspector in line with the requirements of Section 10.223(g)(1)(c). A review must be completed by the Rockland County Soil and Water Conservation District which is within the Rockland County Division of Environmental Resources, and any comments or concerns addressed, and any required permits obtained.
  5. The project narrative states that the applicant intends to reduce the slope of land close to the new north side addition, but no grading plan or further details have been provided. The Planning Board must be assured that there shall be no net increase in the peak rate of discharge from the site at all design points.

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CONTINUATION OF CONDITION # 8.....

6. The Hudson Valley Natural Resources Mapper identifies the subject site as a Significant Biodiversity Areas (SBAs). SBAs are landscape areas in the Hudson River Estuary that contain high concentrations of biodiversity or unique ecological features. These areas contribute to and serve as a framework for conservation partnerships and voluntary protection efforts. One of the most significant threats to biodiversity is habitat destruction, alteration, and fragmentation. Careful consideration should be given to development impacts with an SBA. Proactive planning that avoids or minimizes impact to the habitat of Important areas and maintains habitat connections for wildlife movement will contribute to the long-term biodiversity of the region.
7. Prior to the start of construction or grading, a soil and erosion control plan shall be developed and in place for the site. This plan must meet the latest edition (November 2016) of the New York State Standards for Urban Erosion and Sediment Control.
8. There shall be no net increase in the peak rate of discharge from the site at all design points.
9. The November 6, 2024 Narrative submitted with this application indicates that a zoning code interpretation and or variances will be required. We request 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). Additionally, any future site plan applications are also subject to a review by this department, as mandated by New York State General Municipal Law, Section 239-m (3)(a)(iv).
10. A review must be done by the Rockland County Department of Health to ensure compliance with Article XIX (Mosquito Control) of the Rockland County Sanitary Code.
11. A review must be completed by the Rockland County Highway Department, any comments or concerns addressed, and any required permits obtained.
12. Pursuant to New York State General Municipal Law (GML) Sections 239-m and 239-n, if any of the conditions of this GML review are overridden by the board, then the local land use board must file a report with the County's Commissioner of Planning of the final action taken. If the final action is contrary to the recommendation of the Commissioner, the local land use board must state the reasons for such action.

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CONTINUATION OF CONDITION # 8.....

13. In addition, pursuant to Executive Order 01-2017 signed by County Executive Day on May 22, 2017, County agencies are prohibited from issuing a county permit, license, or approval until the report is filed with the County's Commissioner of Planning. The applicant must provide to any County agency which has jurisdiction of the project: 1) a copy of the Commissioner's report approving the proposed action or 2) a copy of the Commissioner of Planning recommendations to modify or disapprove the proposed action, and a certified copy of the land use board statement overriding the recommendations to modify or disapprove, and the stated reasons for the land use board's override.
9. The Rockland County Sewer District # 1 reviewed the information and offered the following comments
  1. Rockland County Sewer District No. 1 does not object to the Planning Board serving as lead agency for this review.
  2. Rockland County Sewer District No. 1 does not object to the plan as shown. This project does not affect any sanitary sewers within the District.
10. Orange and Rockland Utilities reviewed the information and offered the following comment:
  1. The proposed addition may be in conflict with the existing gas service. Please contact O&R's new business department for any disconnects/reconnects. All gas facilities must be located prior to work and all code rules must be followed.
11. The following agencies do not object to the Town of Orangetown Planning Board assuming responsibilities of lead agency for SEQRA purposes:
  - The Town of Orangetown Zoning Board of Appeals
  - Rockland County Department of Planning
12. 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 preserve and protect existing trees to remain are as follows:
  1. No construction equipment shall be parked under the tree canopy.
  2. There will be no excavation or stockpiling of earth underneath the trees.

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CONTINUATION OF CONDITION # 12.....

3. Trees designated to be preserved shall be marked conspicuously on all sides at a 5 to 10-foot height.
4. 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.

13. 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.
14. 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.
15. The contractor's trailer, if any is proposed, shall be located as approved by the Planning Board.

TOWN OF ORANGETOWN  
2025 JAN 27 A 9 51  
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TOWN OF ORANGETOWN  
LAND USE BOARDS



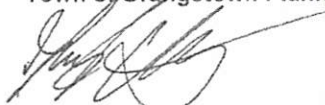
Town of Orangetown Planning Board Decision  
January 8, 2025  
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16. If the applicant, during the course of construction of any required public improvements or private sanitary or storm sewer improvements, encounters such conditions as flood areas, underground 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).
17. Permanent vegetation cover of disturbed areas shall be established on the site within thirty (30) days of the completion of construction.
18. 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
19. The Planning Board shall retain jurisdiction over lighting, landscaping, signs and refuse control.

The foregoing Resolution was made and moved by Michael Mandel-Vice Chairman and second by Andrew Andrews and carried as follows: Matthew Miller, absent; Thomas Warren - Chairman, aye; Michael Mandel - Vice Chairman, aye; Michael McCrory, aye; Andrew Andrews, aye; Denise Lenihan, aye; Bruce Bond (alternate member), Absent; and Lisa DeFeciani, aye.

The Planning Assistant 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 8, 2025  
Gerard Chesterman, Planning Assistant  
Town of Orangetown Planning Board



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2025 JAN 27 A 9 51  
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Town of Orangetown Planning Board  
State Environmental Quality Review Regulations  
NEGATIVE DECLARATION  
Notice of Determination of Non-Significance

PB #25-01: Pierce Residence Site Plan  
Preliminary Site Plan  
Subject to Conditions / NEG DEC.

Permit #:BLDR-5465-24

Town of Orangetown Planning Board Decision  
January 8, 2025

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: Pierce Residence Site Plan

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

DESCRIPTION OF ACTION: Preliminary Site Plan Subject to Conditions / NEG DEC.

LOCATION: The site is located at 76 Old Mountain Road South, Upper Grandview, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section ~~76D1~~, Block 1, Lot 26: R-22 zoning district.

*71.05 GC January 27, 2025*

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  
26 Orangeburg 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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2025 JAN 27 A 9 51  
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PB#19-43: Smith-Kriz Site Plan  
Critical Environmental Area  
Preliminary Site Plan Approval Subject to Conditions  
Neg. Dec.

Permit #48720

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APR 11 2025

TOWN OF ORANGETOWN  
LAND USE BOARDS

Town of Orangetown Planning Board Decision  
July 17, 2019  
Page 1 of 9

TO: Jeffrey Hall, R.A., 251 West 102<sup>nd</sup> Street, New York,  
New York 10025  
FROM: Orangetown Planning Board

RE: **Smith-Kriz Site Plans:** The application of Jeffrey Hall, applicant for Lucy Kriz and Michael Smith, owners, for a Prepreliminary/ Preliminary/ Final Site Plan Review at a site to be known, as "**Smith-Kriz Site Plans**", located in the Critical Environmental Area, in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21A of the Code of the Town of Orangetown and to determine the environmental significance of the application pursuant to the requirements of the New York State Environmental Quality Review Act. The site is located at 76 Old Mountain Road, Upper Grandview, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 71.05, Block 1, Lot 26 in the R-22 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, July 17, 2019**, the Board made the following determinations:

Jeffrey Hall and Lucy Kriz appeared and testified to the Board.

The Board received the following communications:

1. Project Review Committee Report dated July 10, 2019.
2. Interdepartmental memorandums from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, R.A., AIA, Director, dated July 12, 2019.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated July 12, 2019.
4. A letter from Brooker Engineering signed by Kenneth DeGennaro, P.E., dated July 16, 2019.
5. A letter from the Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated June 26, 2019.
6. Letters from the Rockland County Department of Health, signed by Elizabeth Mello, P.E., Senior Public Health Engineer, dated June 10, 2019.
7. A letter from the Rockland County Highway Department signed by Dyan Rajasingham dated June 11, 2019.
8. A letter from Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer I, dated June 17, 2019.
9. A letter from the Town of Orangetown Zoning Board of Appeals, signed by Daniel Sullivan, Chair, dated June 5, 2019.
10. A Building Permit Referral prepared by Rick Oliver, Deputy Building Inspector dated March 29, 2019.
11. A Project Summary dated May 20, 2019.

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**PB#19-43: Smith-Kriz Site Plan  
Critical Environmental Area  
Preliminary Site Plan Approval Subject to Conditions  
Neg. Dec.**

**Permit #48720**

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**Town of Orangetown Planning Board Decision  
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12. A Short Environmental Assessment Form signed by Jeffrey Hall, R.A., dated May 15, 2019.
13. Site Plan prepared Jeffrey Hall, R.A., dated March 28, 2019.
14. Engineered plan prepared by Dominick Pilla, P.E., dated March 13, 2019.

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

There being no one from the Public, a motion was made to close the Public Hearing portion of the meeting by Michael Mandel and seconded by William Young and carried as follows: Thomas Warren – Chairman, absent; William Young, Vice-Chairman, aye; Michael McCrory, aye; Michael Mandel, aye; Stephen Sweeney, absent; Bruce Bond, aye and Robert Dell, aye.

The proposed action is classified as an "unlisted action" as defined by Section 617.2 (ak) 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 Bruce Bond and seconded by Michael Mandel and carried as follows: Thomas Warren – Chairman, absent; William Young, Vice-Chairman, aye; Michael McCrory, aye; Michael Mandel, aye; Stephen Sweeney, absent; Bruce Bond, aye and Robert Dell, 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 having deliberated regarding such concerns, and having heard from the applicant, the applicant's professional representatives, namely Jeffrey Hall, R.A., and having heard from the following offices, officials and/or Departments: (Town of Orangetown): The 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: Rockland County Sewer District No.1, Rockland County Department of Health, Rockland County Department of Highways, and Town of Orangetown Zoning Board of Appeals and having reviewed proposed Site Plan by prepared by Jeffrey Hall, R.A, a summary of the reasons supporting this determination are, and the Planning Board finds, that the proposed action:

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PB#19-43: Smith-Kriz Site Plan  
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- 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's 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 Bruce Bond and seconded by Michael Mandel and carried as follows: Thomas Warren – Chairman, absent; William Young, Vice-Chairman, aye; Michael McCrory, aye; Michael Mandel, aye; Stephen Sweeney, absent; Bruce Bond, aye and Robert Dell, aye, Board made a Negative Declaration pursuant to SEQRA.

**ACABOR:** A motion was made to waive the need to appear in front of the Town of Orangetown Architecture and Community Appearance Board for review by Michael Mandel and second by William Young and carried as follows, Thomas Warren – Chairman, absent; William Young, Vice-Chairman, aye; Michael McCrory, aye; Michael Mandel, aye; Stephen Sweeney, absent; Bruce Bond, aye and Robert Dell, aye.

**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".

TOWN OF ORANGETOWN  
CLERK'S OFFICE  
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**PB#19-43: Smith-Kriz Site Plan  
Critical Environmental Area  
Preliminary Site Plan Approval Subject to Conditions  
Neg. Dec.**

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**TOWN OF ORANGETOWN  
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**Town of Orangetown Planning Board Decision  
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**2. 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. Application is for an expansion of an existing dwelling on an existing undersized lot with non-conforming bulk. Per Chapter 43, section 9.2, reconstruction or enlargement of a building with nonconforming bulk is permitted if the same does not increase the degree of nonconforming bulk. Proposed expansion of dwelling conforms to the requirements of this section.**

**5. An official property survey shall be provided.**

**6. The metes and bounds must be shown on the Site Plan.**

**7. The applicant must provide calculations for the portions of the lot that contain greater than a 25% slope as required per note 16 of the Notes to Use and Bulk Tables and adjust floor area ratio, if required.**

**8. Permitted obstruction in required yards, Per Chapter 43, section 5.221; unroofed steps or unroofed terraces not exceeding 16 square feet nor projecting more than 4 feet from the exterior wall of the building. Proposed stairs and terrace project 8'-0" from the south wall and 6'-0" on the north wall of the dwelling and both exceed 16 square feet, approval is required from the Town of Orangetown Zoning Board of Appeals.**

**9. New sewer line is indicated to be installed and proposed line to run through the neighboring property, however no easement is indicated. The applicant must provide documentation of the easement.**

**10. The Short Environmental Assessment form is under review by the Office of Building, Zoning and Planning Administration and Enforcement.**

**11. Drainage calculations, prepared and sealed by the applicant's engineer, shall be submitted to DEMA for review and approval. The proposed drywells shall be designed to accommodate up to the 100 yr. storm.**

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**PB#19-43: Smith-Kriz Site Plan  
Critical Environmental Area  
Preliminary Site Plan Approval Subject to Conditions  
Neg. Dec.**

Permit #48720

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TOWN OF ORANGETOWN  
LAND USE BOARDS

**Town of Orangetown Planning Board Decision  
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12. The proposed drywell locations are shown on two different locations on drawing C-100.00 and C-101.00. This shall be corrected.

13. The proposed sanitary house connection shall be redesigned to be 4 inch in diameter on the private property and 6 inch on the right of way for Old Mountain Road.

14. Cleanouts, with invert elevations, shall be depicted at all changes in direction for the sanitary house connection at the exist of the house, as well as just inside the property line along Old Mountain Road.

15. A profile for the proposed sanitary house connection shall be added to the drawings.

16. The applicant shall provide written documentation to the Planning Board that a permanent easement has been acquired for the proposed sanitary house connection.

17. The applicant shall provide a revised Site Plan highlighting the driveway area in a scale of one inch = 50 foot.

**18. Drainage Review Recommendation – Brooker Engineering**

The Planning Board's Drainage Consultant, Brooker Engineering held that the information provided demonstrates that potential significant adverse impacts with respect to drainage can be mitigated and therefore recommends that the Smith Kriz Site Plan be approved for drainage subject to the following Project Comments.

This is the first drainage review report for this project. The site is located at 76 Old Mountain Road east of South Boulevard. Access to the lot is via a driveway fronting on Old Mountain Road. Land slopes downhill in an easterly direction from front to back. There is an existing single family residence on the site; the improvements include an addition in the rear of the house and new patios. The new impervious areas are largely over an existing patio and impervious areas. Two drywells are proposed downhill of the structure to collect stormwater runoff from the addition and new patio. Additional disturbance is proposed along the backyard consisting of regrading and filling.

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**PB#19-43: Smith-Kriz Site Plan  
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**Town of Orangetown Planning Board Decision  
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**Continuation of Condition #18...**

**Project Comments**

1. The Site Plans shall be shown at an engineering scale and a graphic scale shall be provided.
2. The Existing Conditions survey shall be provided as part of the Site Plan.
3. Sufficient topographic information to the west (uphill) of the site shall be provided in order to evaluate the off-site stormwater runoff and drainage through the property.
4. Drainage calculations shall be provided that demonstrates that the drywells have adequate capacity to provide stormwater mitigation. The increase in impervious area from existing to proposed conditions shall be clearly shown in the drainage report.
5. The existing wood line in the backyard shall be shown on the site plan. The limits of clearing of the wood line shall be provided.
6. The drainage calculations shall include subareas that are diverted to the drywells and subareas that bypass the drywells. Increases in stormwater runoff from change in ground cover from woods/brush to grass shall be included in the drainage calculations.
7. Additional detailed grading in the proposed patio area shall be provided to demonstrate that the patio runoff will be directed to the proposed catch basins. Slopes in the patios shall be provided to demonstrate positive drainage away from the house.
8. The site plans shall clarify if driveway in the front of the house is being expanded. The grading shall provide more detail to show what land area is being directed to the catch basin in the northeast corner of the driveway.
9. Soil percolation tests shall be performed and the depth to groundwater determined.

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

- A review must be completed by the County of Rockland Department of Highways and any concerns addressed and any required permits obtained.
- As indicated in the June 10, 2019 letter from the Rockland County Department of Health,

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**PB#19-43: Smith-Kriz Site Plan**  
**Critical Environmental Area**  
**Preliminary Site Plan Approval Subject to Conditions**  
**Neg. Dec.**

**Permit #48720**

**TOWN OF ORANGETOWN**  
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**Town of Orangetown Planning Board Decision**  
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**Continuation of Condition #19...**

- A review must be completed by the New York State Department of Environmental Conservation and any required permits obtained.
- Prior to the start of construction or grading, all soil and erosion control measures must be in place for the site. These measures must meet the latest edition (November 2016) of the New York State Standards for Urban Erosion and Sediment Control.
- There shall be no net increase in the peak rate of discharge from the site at all design points.
- The bulk table shown on drawing number SP-1 indicates that many of the bulk measurements do not meet the minimum requirements for the R-22 zoning district. If variances have previously been granted, a footnote shall be added with the Zoning Board of Appeals case number and dates of the hearing. Otherwise the applicant may need to obtain the necessary variances for the property.
- If any variances are needed to implement the proposed site plan, the Rockland County Department of Planning requests the opportunity to review the proposed variances, as required by New York State General Municipal Law, Section 239-m(3)(v).

**20. The Rockland County Health Department (RCDOH) reviewed the information provided and offered the following comments:**

- An application must be made to them for review of the stormwater system to ensure compliance with the County Mosquito Code.

**21. The 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 request no future correspondence for this site.**

**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.**

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**PB#19-43: Smith-Kriz Site Plan**  
**Critical Environmental Area**  
**Preliminary Site Plan Approval Subject to Conditions**  
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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.

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 (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.)

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

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PB#19-43: Smith-Kriz Site Plan  
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28. The Planning Board shall retain jurisdiction over lighting, landscaping, signs and refuse control.

29. 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.

30. The applicant shall comply with all pertinent items in the Guide to the Preparation of Site Plans prior to signing the final plans.

31. All reviews and approvals from various governmental agencies must be obtained prior to stamping of the Site Plan.

32. The following agencies do not object to the Town of Orangetown Planning Board assuming responsibilities of lead agency for SEQRA purposes:

- Rockland County Health Department
- Rockland County Sewer District #1
- Town of Orangetown Zoning Board of Appeals
- Rockland County Department of Highways

The foregoing Resolution was made and moved by William Young and seconded by Michael Mandel and carried as follows: Thomas Warren – Chairman, absent; William Young, Vice-Chairman, aye; Michael McCrory, aye; Michael Mandel, aye; Stephen Sweeney, absent; Bruce Bond, aye and Robert Dell, 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: July 17, 2019  
Cheryl Coopersmith  
Chief Clerk Boards and Commissions  
attachment



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

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**PB#19-43: Smith-Kriz Site Plan  
Critical Environmental Area  
Preliminary Site Plan Approval Subject to Conditions  
Neg. Dec.**

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TOWN OF ORANGETOWN  
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**Town of Orangetown Planning Board Decision  
July 17, 2019**

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.

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

**DESCRIPTION OF ACTION: Site Plan Review**

**LOCATION:** The site is located at 76 Old Mountain Road, Upper Grandview, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 71.05, Block 1, Lot 26; 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, Town Supervisor, Applicant, Involved Agencies

TOWN CLERK'S OFFICE  
AUG - 1 P 1:49  
TOWN OF ORANGETOWN



DECISION

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**FLOOR AREA RATIO, UNDERSIZED LOT SIDE YARD, SECTION 5.221  
UNROOFED STEPS OR TERRACES VARIANCES APPROVED**

APR 11 2025

To: Jeffrey Hall (Smith-Kriz)  
251 West 102<sup>nd</sup> Street  
New York, New York 10025

ZBA #19-107  
Date: December 4, 2019  
Permit # 48720

TOWN OF ORANGETOWN  
LAND USE BOARDS

FROM: ZONING BOARD OF APPEALS: Town of Orangetown

ZBA#19-107: Application of Lucy Kriz and Thomas Smith for variances from Zoning Code (Chapter 43) of the Town of Orangetown Code, R-22 District, Group I, Section 3.12, Columns 4 (Floor Area Ratio: .20 permitted, .21 proposed) and from Section 5.21 (b) (Undersize lot: Side Yard: 20' required, 16.4' and 16.1' existing) and from Section 5.221 (Unroofed steps or unroofed terraces not exceeding 16 sq. ft. not projecting more than 4 feet from the exterior wall of the building: projection of 8' from the south wall resulting in a 9' 6" setback and a proposed square footage of 448 square feet and projection of 6' on the north wall resulting is a 9' 6" setback and a proposed square footage of 368 square feet) for an addition to an existing single-family residence. The premises are located at 76 Old Mountain Road, Upper Grandview, New York and is identified on the Orangetown Tax Map as Section 71.05, Block 1, Lot 26 in the R-22 zoning district.

Heard by the Zoning Board of Appeals of the Town of Orangetown at a meeting held on Wednesday, December 4, 2019 at which time the Board made the determination hereinafter set forth.

Jeffrey Hall, Architect, and Lucy Kris appeared and testified.

The following documents were presented:

1. Architectural plans dated March 28, 2019 signed and sealed by Jeffrey Hall R.A. T-1.1, S( 1.1, D1.1, D1.2, A1.1, A1.2, A1.3, A1.4, A 2.1 & A2.2
2. Proposed Addition Land Survey for Kriz & Smith dated October 2, 2018 with the latest revision date of October 17, 2019 by Robert Sorace, PLS.
3. Letters dated July 12, 2019, October 8, 2019, & October 22, 2019 from Jane Slavin, R.A., Director O.B.Z.P.A.E., Town of Orangetown.
4. A letter dated November 13, 2019 from the Rockland County Department of Planning signed by Douglas J. Schuetz, Acting Commissioner of Planning.
5. A letter dated November 20, 2019 from the Rockland County Sewer District #1 signed by Joseph LaFiandra, Engineer II.
6. A letter dated December 2, 2019 from the Rockland County Department of Health signed by Elizabeth Mello, P.E., Senior Public Health Engineer.
7. A letter dated October 29, 2019 from the Rockland County Highway Department signed by Dyan Rajasingham, Engineer III.

Mr. Sullivan, Chairman, made a motion to open the Public Hearing which motion was seconded by Ms. Castelli and carried unanimously.

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2019 DEC 10 A 11:17  
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LAND USE BOARDS

On advice of Denise Sullivan, Deputy Town Attorney, counsel to the Zoning Board of Appeals, Mr. Sullivan moved for a Board determination that since the Planning Board noticed its intent to declare itself Lead Agency and distributed that notice of intention to all Involved Agencies, including the ZBA who consented or did not object to the Planning Board acting as Lead Agency for these applications, pursuant to coordinated review under the State Environmental Quality Review Act Regulations § 617.6 (b)(3); and since the Planning conducted SEQRA reviews and, on July 17, 2019 (as set forth in PB# 19-43 Smith-Kriz Site Plan) rendered environmental determinations of no significant adverse environmental impacts to result from the proposed land use actions (i.e. a "Negative Declarations" of "Neg Dec."), the ZBA is bound by the Planning Board's Neg Dec and the ZBA cannot require further SEQRA review pursuant to SEQRA Regulations § 617.6 (b)(3). The motion was seconded by Ms. Castelli and carried as follows: Mr. Quinn, aye; Ms. Salomon, aye; Ms. Castelli, aye; Mr. Sullivan, aye; and Mr. Bosco, aye.

Jeffrey Hall testified that the proposal is for a three story addition; that the lot is undersized; that the staircases are attached to the house; that they are moving rooms around within the house; that enclosed porch will become a mudroom and panty; that the first floor will be a recreation room; that the terraces are at grade level and they have a two foot wall around them that will serve as seating.

Public Comment:

No public comment

The Board members made personal inspections of the premises the week before the meeting and found them to be properly posted and as generally described on the application.

A satisfactory statement in accordance with the provisions of Section 809 of the General Municipal Law of New York was received.

Mr. Sullivan made a motion to close the Public Hearing which motion was seconded by Ms. Castelli and carried unanimously.

FINDINGS OF FACT AND CONCLUSIONS:

After personal observation of the property, hearing all the testimony and reviewing all the documents submitted, the Board found and concluded that the benefits to the applicant if the variance(s) are granted outweigh the detriment (if any) to the health, safety and welfare of the neighborhood or community by such grant, for the following reasons:

1. The requested floor area ratio, undersized lot side yard and §5.221 unroofed steps or terraces variances will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. Similar additions have been constructed in the neighborhood.

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Smith-Kriz  
ZBA#19-107  
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Permit#48720

2. The requested floor area ratio, undersized lot side yard and §5.221 unroofed steps or terraces variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. Similar additions have been constructed in the neighborhood.
3. The benefits sought by the applicant cannot be achieved by other means feasible for the applicant to pursue other than by obtaining variances.
4. The requested floor area ratio, undersized lot side yard and §5.221 unroofed steps or terraces variances, although somewhat substantial, afford benefits to the applicant that are not outweighed by the detriment, if any, to the health, safety and welfare of the surrounding neighborhood or nearby community. Similar additions have been constructed in the area.
5. The applicant purchased the property subject to Orangetown's Zoning Code (Chapter 43) and is proposing a new addition and/or improvements, so the alleged difficulty was self-created, which consideration was relevant to the decision of the Board of Appeals, but did not, by itself, preclude the granting of the area variances.
6. **DECISION:** In view of the foregoing and the testimony and documents presented, the Board **RESOLVED** that the application for the requested floor area ratio, undersized lot side yard and §5.221 unroofed steps or terraces variances are **APPROVED**; and **FURTHER RESOLVED**, that such decision and the vote thereon shall become effective and be deemed rendered on the date of adoption by the Board of the minutes of which they are a part.

General Conditions:

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

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

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

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LAND USE BOARDS

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


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

The foregoing resolution to approve the application for the requested floor area ratio, undersized lot side yard and §5.221 unroofed steps or terraces variances are APPROVED; was presented and moved by Ms. Salomon, seconded by Ms. Castelli and carried as follows: Mr. Bosco, aye; Mr. Quinn, aye; Mr. Sullivan, aye; Ms. Salomon, aye; and Ms. Castelli, aye.

The Administrative Aide to the Board is hereby authorized, directed and empowered to sign this decision and file a certified copy thereof in the office of the Town Clerk.

DATED: December 4, 2019

ZONING BOARD OF APPEALS  
TOWN OF ORANGETOWN

By   
Deborah Arbolino  
Administrative Aide

DISTRIBUTION:

APPLICANT  
ZBA MEMBERS  
SUPERVISOR  
TOWN BOARD MEMBERS  
TOWN ATTORNEY  
DEPUTY TOWN ATTORNEY  
OBZPAE  
BUILDING INSPECTOR-MEM

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

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2276 Pierce Residence  
76 Old Mountain Road South  
Upper Grandview, NY

October 30, 2024

## PHOTOGRAPHS



**1. Existing West Elevation.** The primary entrance is on the faces west. The covered porch on the north elevation will be replaced by a service entrance with a mud room to the west and a laundry room to the east. A second floor will be added with a walk-in-closet to the west and a master bathroom to the west. The existing footprint will be honored, set back from the west and east faces of the house. The roof pitch will remain the same, thus the roof ridge of the addition will be lower than the roof ridge of the existing house.

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**2276 Pierce Residence**

**PHOTOGRAPHS**



**2. Existing South Elevation.** The south elevation is the rear of the house and will remain unchanged.

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## 2276 Pierce Residence

### PHOTOGRAPHS



**3. Existing East elevation.** The deck on the main floor is deteriorating and will be replaced. The southerly portion of the deck (left) will be raised to meet the deck height of the northerly portion of the deck to eliminate a potential hazard. The deck posts will increase in dimension so they will no longer appear as toothpicks. The basement house entrance vestibule will be removed. This will marginally reduce interior basement floor area and marginally increase covered patio floor area. The height from the concrete slab to the underside of the deck on the northerly side will be lowered to create a fully utilitarian covered patio. Presently, the slab-to-underside of deck is 5'-5" and does not qualify as floor area. The floor area will increase.

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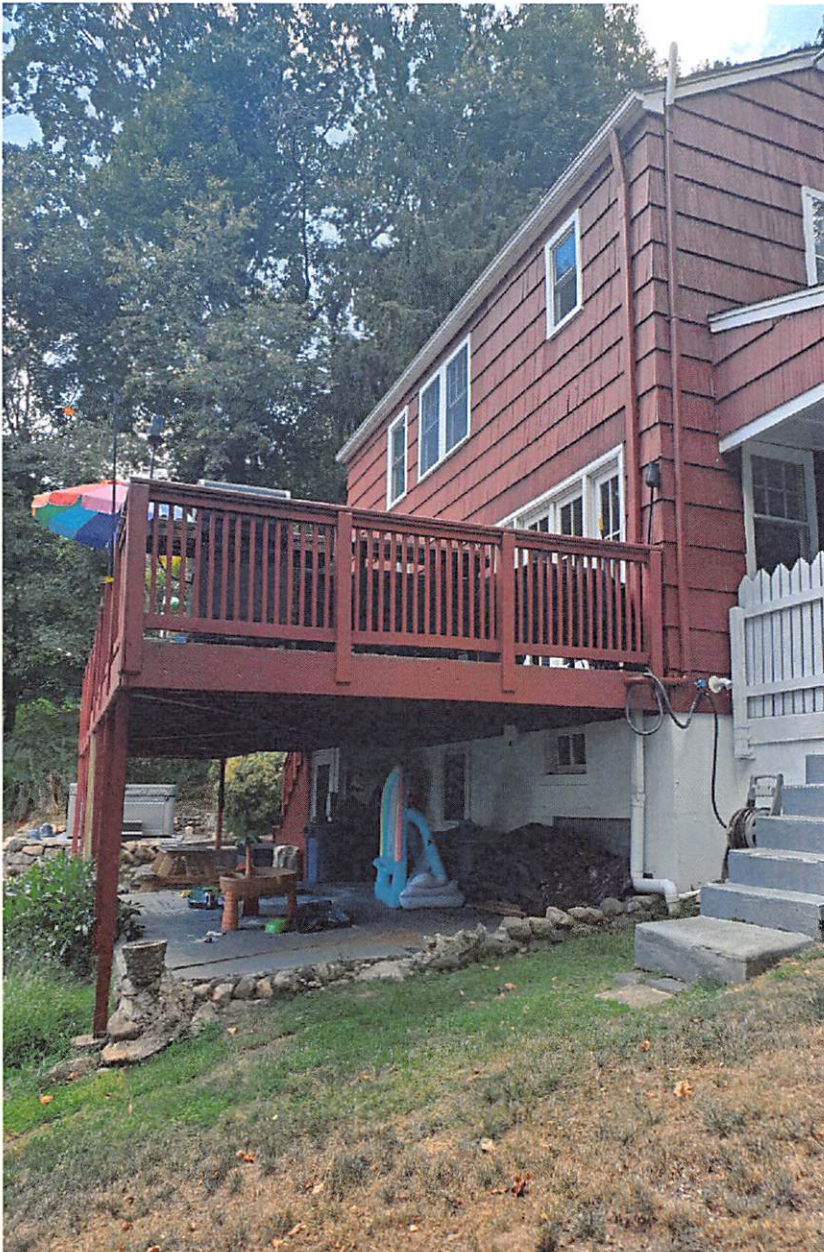
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LAND USE BOARDS



**2276 Pierce Residence**

**PHOTOGRAPHS**



**4. Existing Deck as Viewed From The North.** The unusable higher slab under the deck is evident. Stairs from the north porch to grade will be removed. The porch setback from the east house elevation will remain.

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**2276 Pierce Residence**

**PHOTOGRAPHS**



**5. 34 Old Mountain Road South**



**6. 35 Old Mountain Road South**

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LAND USE BOARDS**



**2276 Pierce Residence**

**PHOTOGRAPHS**



**7. 72 Old Mountain Road South**



**8. 74 Old Mountain Road South**

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**TOWN OF ORANGETOWN  
LAND USE BOARDS**



**2276 Pierce Residence**

**PHOTOGRAPHS**



**9. 71 Old Mountain Road South**

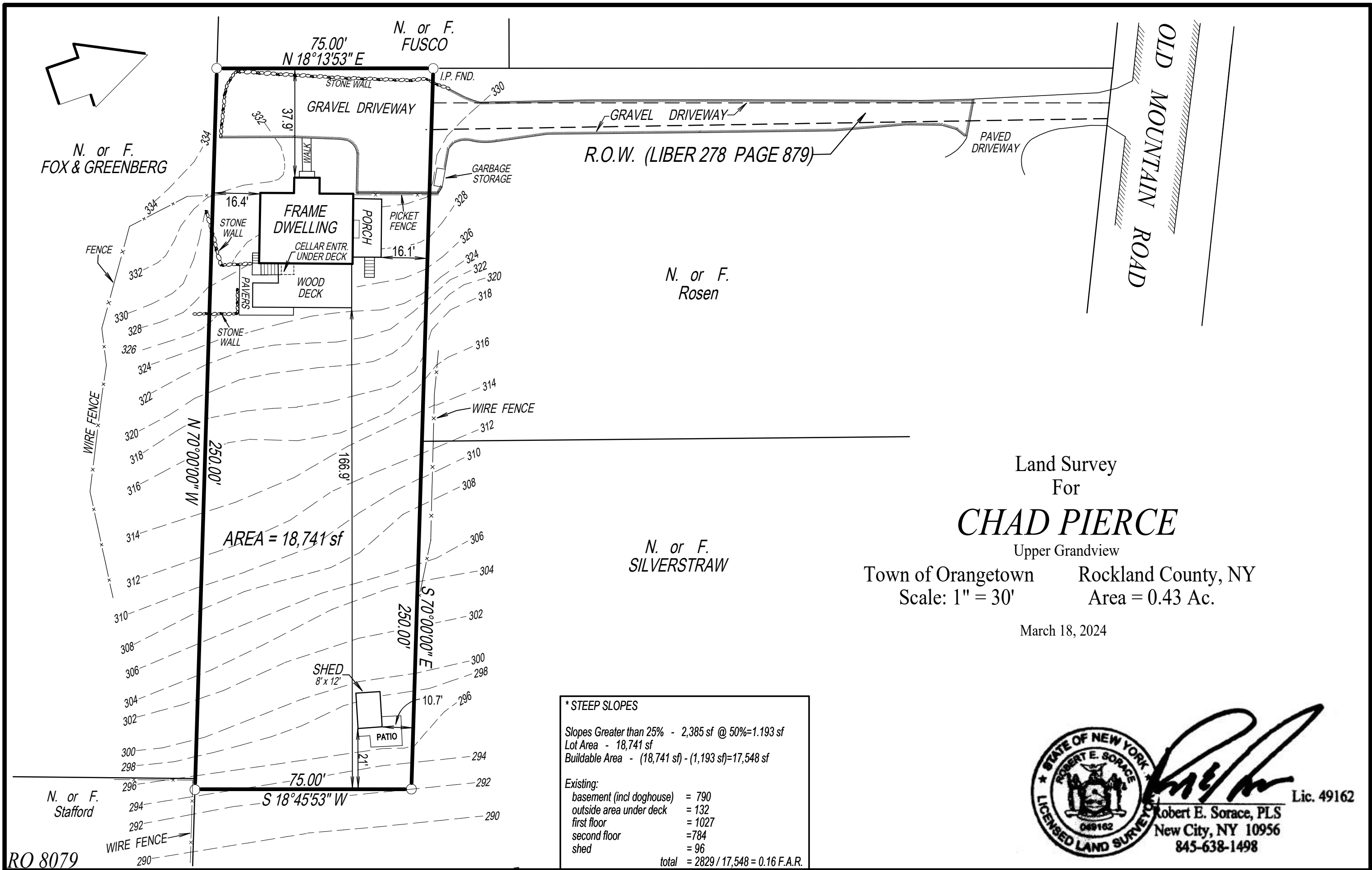


**10. 77 Old Mountain Road**

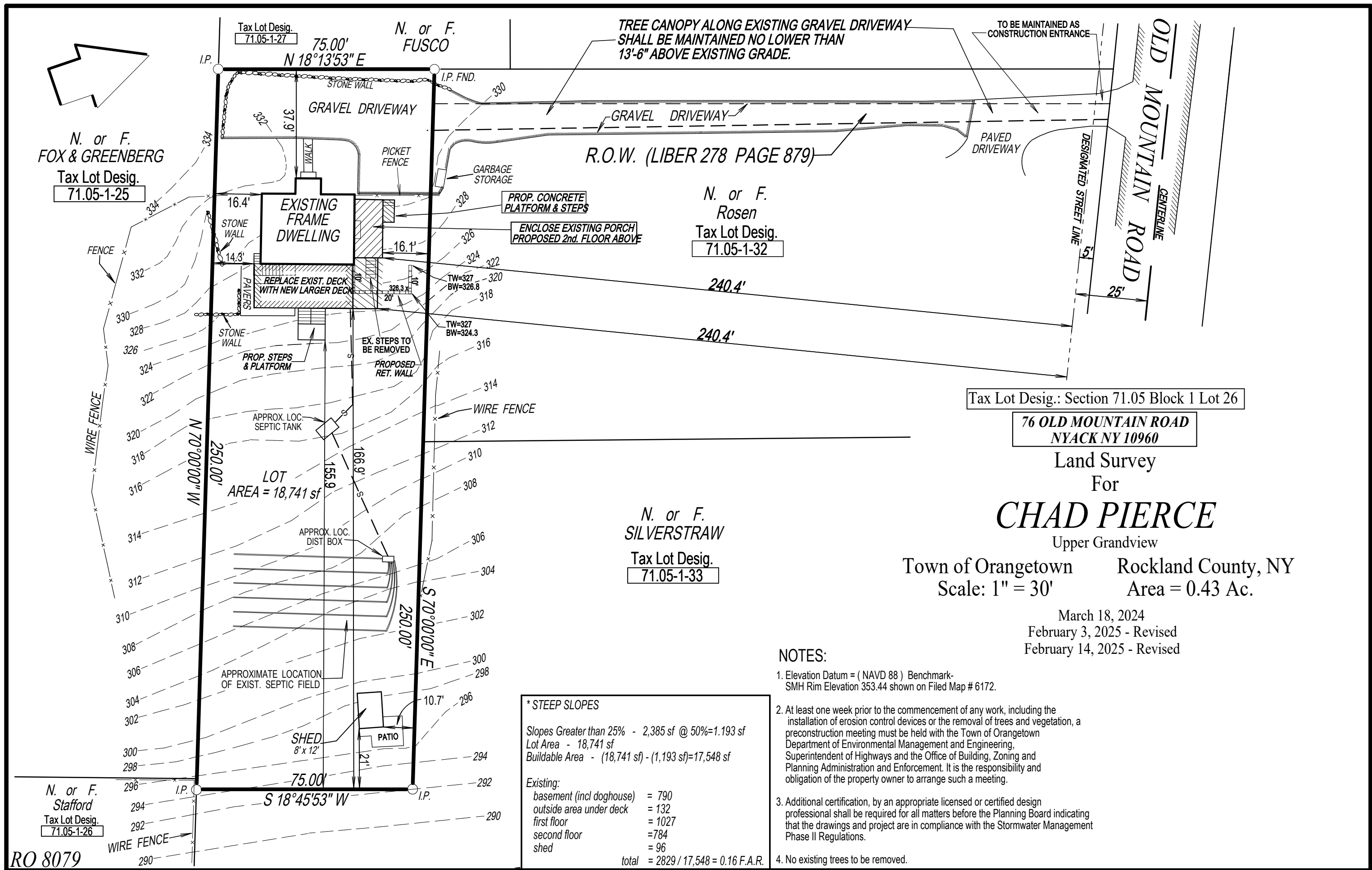
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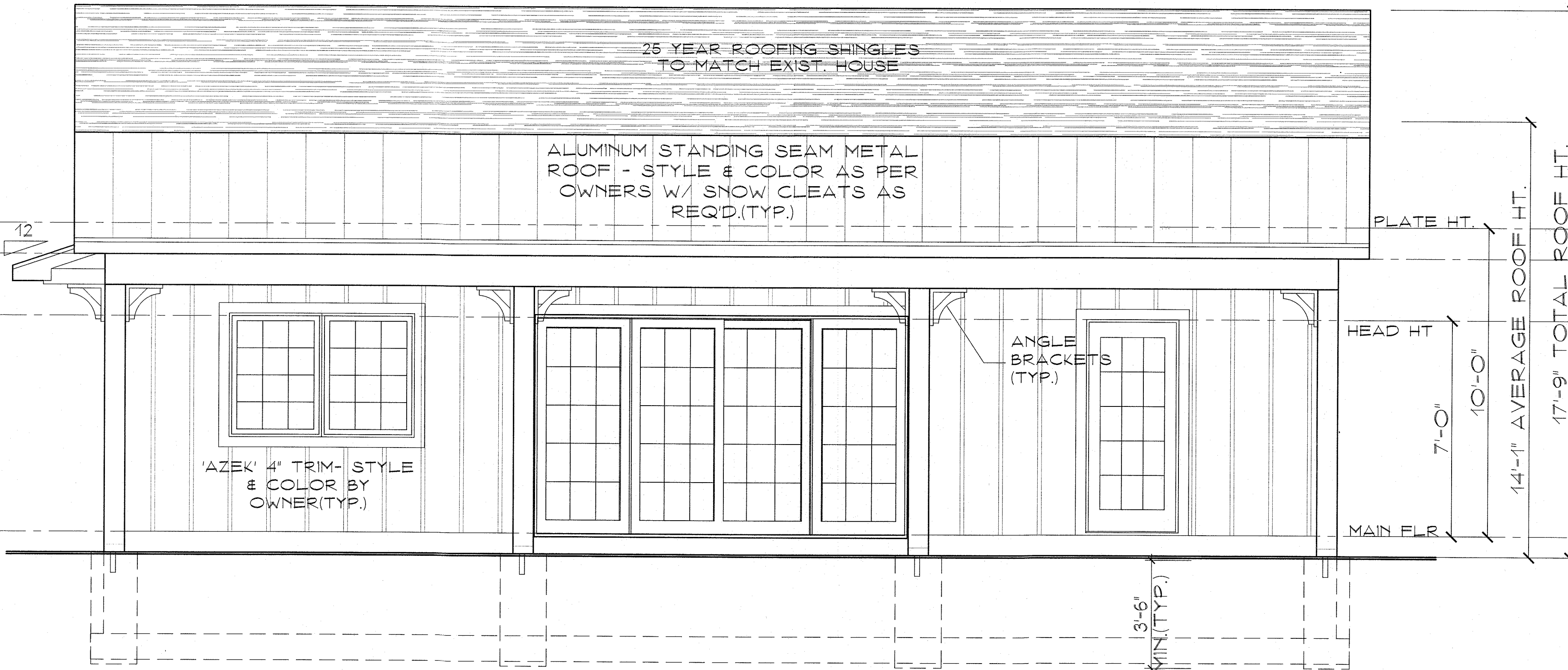






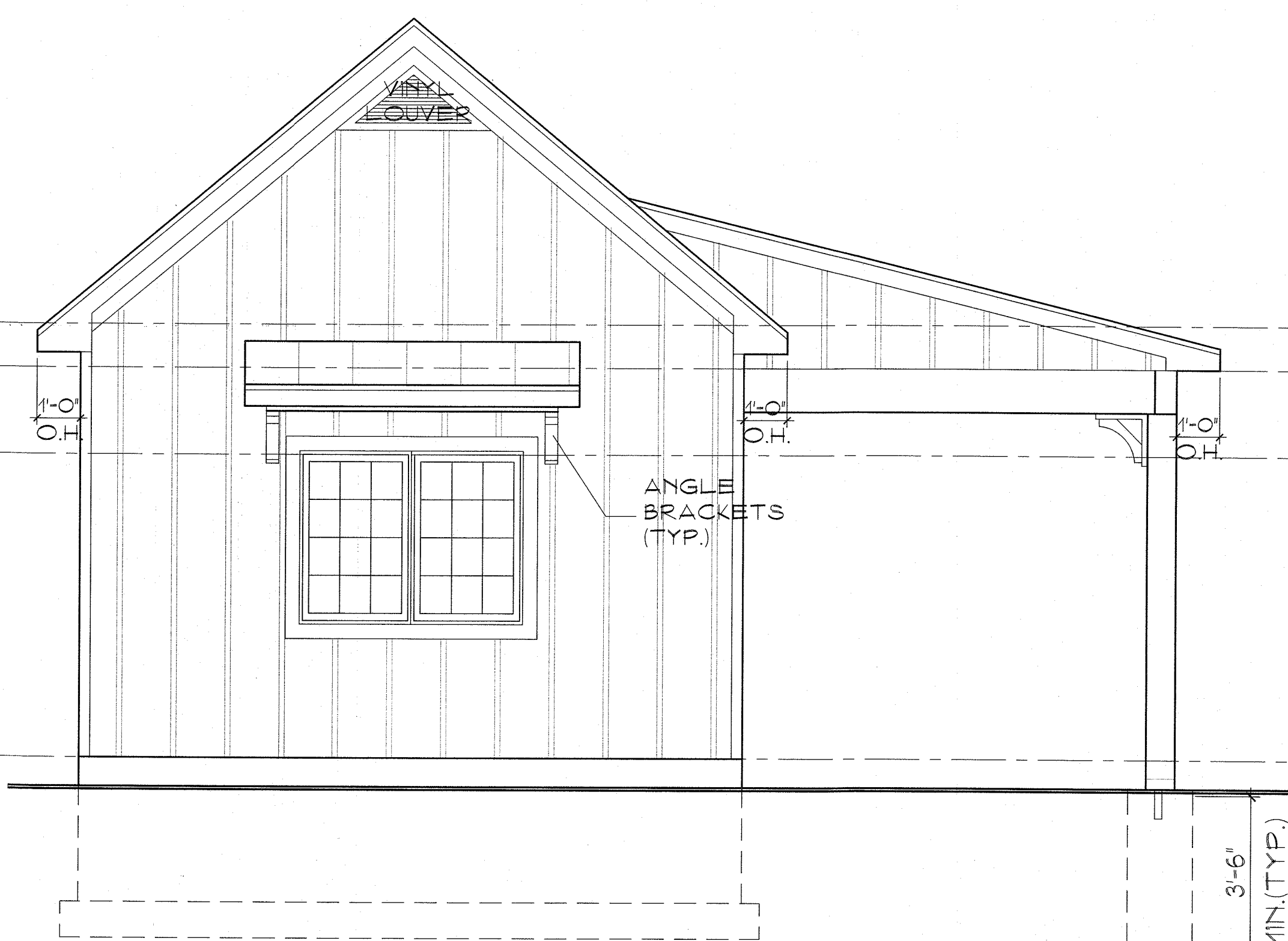
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ISSUE FOR BOARD REVIEW ONLY - NOT FOR CONSTRUCTION



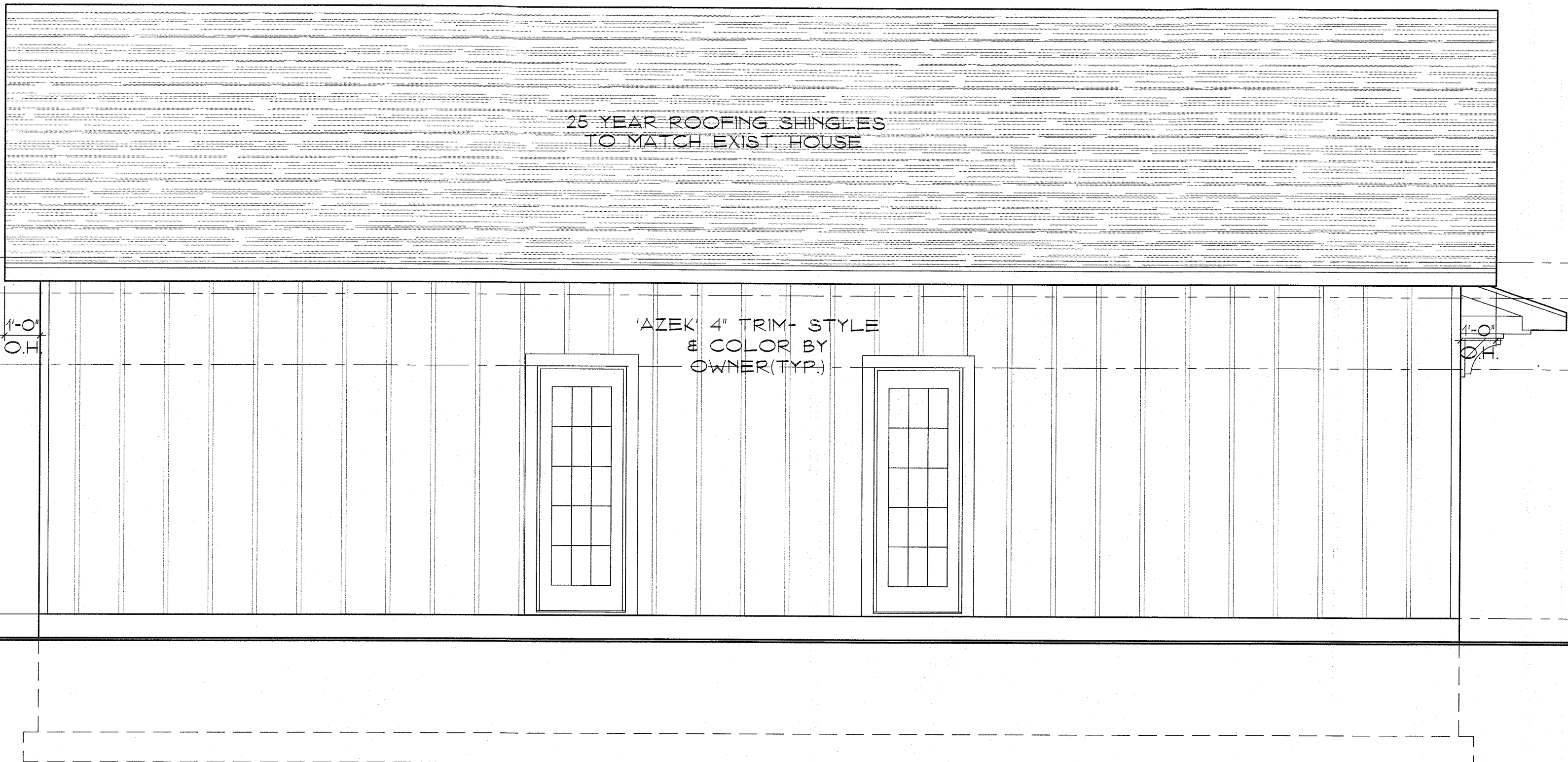
PROPOSED FRONT ELEVATION

SCALE:3/8\"/>



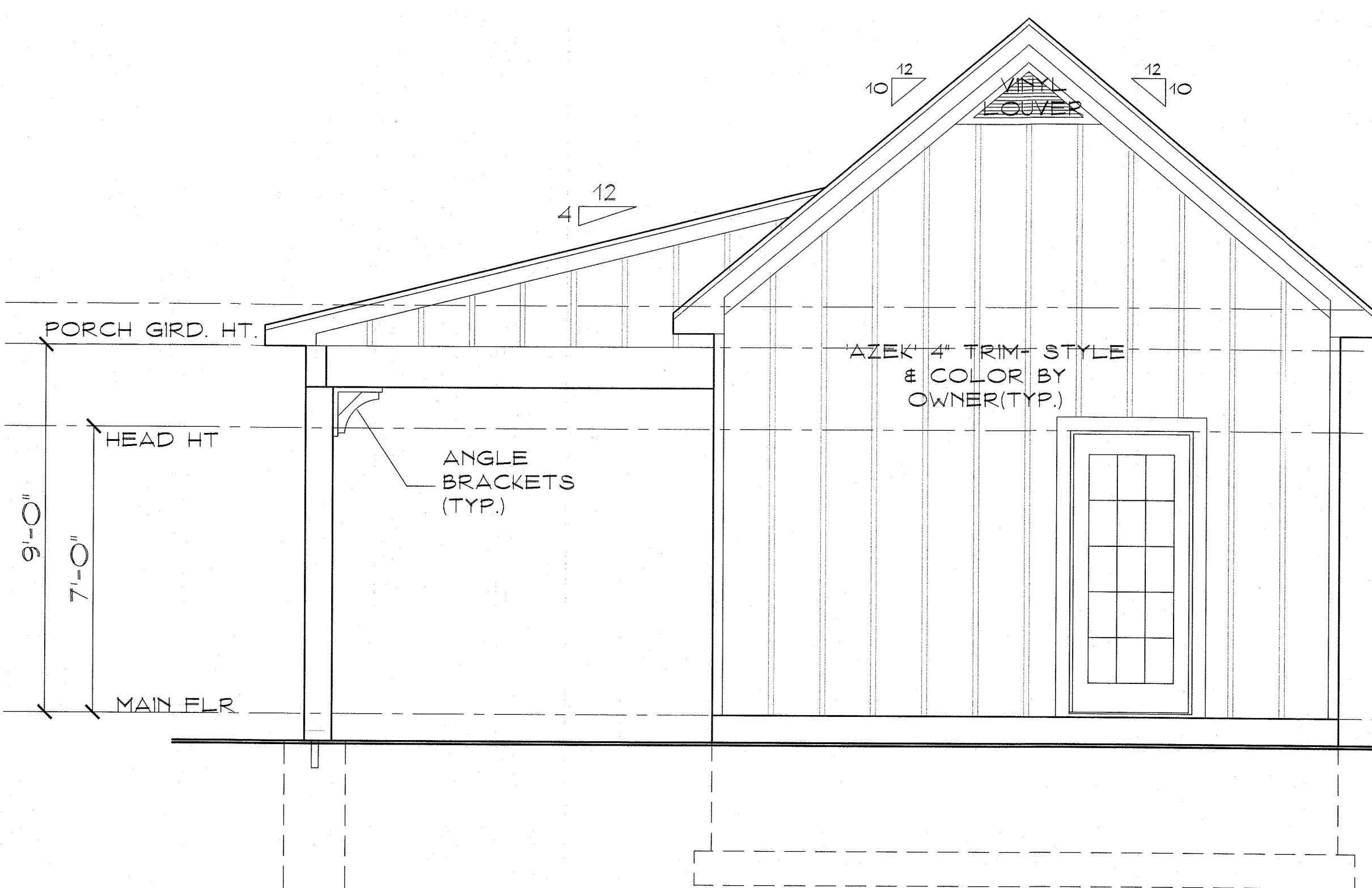
PROPOSED LEFT ELEVATION

SCALE:3/8\"/>



PROPOSED REAR ELEVATION

SCALE:3/8\"/>



PROPOSED RIGHT ELEVATION

SCALE:3/8\"/>

ISSUE FOR BOARD REVIEW ONLY - NOT FOR CONSTRUCTION

ISSUE FOR BOARD REVIEW ONLY	REVISION	DRAWING TITLE	PROPOSED ACCESSORY BUILDING FOR THE		SHEET:
			VARSHAVSKI RESIDENCE		
		72 SCHUYLER ROAD BLAUVELT, NEW YORK		DATE: JANUARY 30, 2025 Issue For Board Review FEBRUARY 14, 2025	
		ELEVATIONS			
		John Perkins ARCHITECT. Professional Architect, Liability Company NEW YORK, NY NY License: 020553 137 Laverne, 2140104700 Post Office Box 271, Tuckahoe, New York, 10986 (845)429-4225 www.JPerkinsArchitect.com			