#### ZONING BOARD OF APPEALS

Town of Orangetown 26 Orangeburg Road Orangeburg, New York 10962 (845) 359-8410 (ex. 4316)

Date: November 19, 2024

TO: OBAPAE

NYS Dept of Environmental Conservation
New York State Dept. of Transportation
Palisades Interstate Park Commission
NYS Thruway Authority

✓ACOE CSX Rockland County Drainage
Rockland County Health

Rockland County Planning

✓ Rockland County Highway

✓ Rockland County Sewer Dstrt #1

✓ Orange and Rockland Utilities

✓ Veolia

This matter is scheduled for: January 15, 2025

Review of Plans: Wyman Fisher Funeral Home/David Fisher, addition to rear residence, 96-100 Franklin Avenue, Pearl River, NY

Section: 68.20 Block: 2 Lot: 70; CS - zone

Chapter 43, CS District, table 3.12, Column 11 (Rear yard: 25', with 2.7' proposed (to new one-story addition), 1.1' proposed (to West side 2<sup>nd</sup> story addition), & .5' proposed (to East side 2<sup>nd</sup> story addition)), from Section 9.2 (Expansion of non-conforming bulk), and from Section 9.34 (Non-conforming use shall not to be extended) for an addition to the rear residence of a single-family dwelling. The premises are located at 96-100 Franklin Avenue, Pearl River, New York and identified on the Orangetown Tax Map as Section 68.20, Block 2, Lot 70 in the CS 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: <u>KBettmann@orangetown.com</u>

## Zoning Board Meeting Date: January 15, 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**, **January 15**, **2025**. Kindly, forward your completed review to this office **PRIOR TO**: **January 15**, **2025**.

Reviewing Agency:		
Name:	Date:	
Signature:		
Thank you, Katlyn Be	ettmann (EXT. 4316)	



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

26 Orangeburg Rd. Orangeburg, N.Y. 10962

Jane Slavin, R.A. Director

(845)359-8410

Fax: (845) 359-8526

TOWN OF ORANGETOWN LAND USE BOARDS

## **ZONING BOARD OF APPEALS**

Date: Oct. 31, 2024
Applicant: David Fisher
Address: 96-100 Franklin Avenue, Pearl River, NY 10965
Section: 68.20 Block: 2 Lot: 70
Permit#_BLDC-3300-23
Plans Submitted: Survey Map dated 4/10/2015 signed and sealed by Robert R. Rahnefeld, P.L.S.,
Wyman Fisher Funeral Home plans with the most recent revision date 10/16/2024 signed and sealed by
Bart M. Rodi, Engineer (3 pages).
Wyman Fisher Funeral Home
Project Name:
October 29, 2024
Date of Submittal to Land Use Board:
Date of Board Meeting: TBD
Date of Double Meeting.
Sincerely,
X 1 // I
Katlyn Bettmann
Senior Clerk Typist
D. A. W. I. CODEDATE D. I. C. 1441
Date/Initial of OBZPAE Review Completed:
RECEIVED
NOV 1 2024

RECEIVED

### Name of Municipality: <u>TOWN OF ORANGETOWN</u>

Date Submitted: 10

TOWN OF OKANGETOWN

LAND USE BOARDS Please check all that apply: Residential Planning Board Historical Board Zoning Board of Appeals **Architectural Board** Subdivision Consultation Number of Lots Pre-Preliminary/Sketch Site Plan Preliminary Conditional Use Final Interpretation Special Permit PERMIT#: GLDC-3300-2 Variance Performance Standards Review ASSIGNED Use Variance INSPECTOR: Other (specify): Referred from Planning Board: YES / NO if yes provide date of Planning Board meeting: \_\_\_\_\_ FISHER -REAR Project Name: Wyman Street Address: Tax Map Designation: Block: Section: Block: **Directional Location:** FRANKLINI side of of the intersection of Town of OzanGETUCAL in the hamlet/village of \_\_\_\_ PEAZL RUEZ Acreage of Parcel\_ **Zoning District** School District PEXEL River Postal District Ambulance District PEAL **Fire District** Water District **Sewer District** Project Description: (If additional space required, please attach a narrative summary.) The undersigned agrees to an extension of the statutory time limit for scheduling a public hearing. Date: 10 - 21 - 24 \_\_ Applicant's Signature: 🔀

## APPLICATION REVIEW FORM

## FILL IN WHERE APPLICABLE.

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

·
If subdivision:
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 24675
<ol> <li>Existing square footage <u>24675</u></li> <li>Total square footage <u>24675</u></li> <li>Number of dwelling units <u>2</u></li> </ol>
3) Number of dwelling units 2
If special permit, list special permit use and what the property will be used for.
Environmental Constraints:
Environmental Constraints.
Are there slopes greater than 25%? If yes, please indicate the amount and show the gross and net area
Are there <b>wetlands</b> on the site? If yes, please provide the names and type:
Drainet History
Project History:
Has this project ever been reviewed before?
If so, provide a narrative, including the list case number, name, date, and the board(s) you appeared
before, and the status of any previous approvals.
Planning Goard 9/25/2024
List tax map section, block & lot numbers for all other abutting properties in the same ownership as
this project.



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

20 Greenbush Road Orangeburg, N.Y. 10962

Jane Slavin, R.A. Director (845)359-8410

Fax: (845) 359-8526

Date: 10.23.23 Section: 68.20 Block: 2 Let: 70
Applicant: Fisher
Address: 96-100 Franklin Ave, Pearl River, NY
RE: Application Made at: same
Referred For: § 21A-4 Site development plan approval required.  [Amended 9-4-2018 by L.L. No. 11-2018]  A. No building permit or certificate of occupancy shall be issued, other than for a single- or two-family
residence and structures accessory thereto, except for a building or use that is in confurmity with a site development plan approved by the Planning Board.
B. Approval of a site plan by the Planning Board is required for the development or redevelopment of any property or structure for a new use, the expansion or relocation of any existing use, or a change of use.
<ol> <li>A change that results in a difference in the numerical listing or the use column (Uses Permitted by Right, Uses by Special Permit, Conditional Uses, General Accessory Uses) for all uses as set forth in Chapter 43, § 3.11, Table of General Use Regulations.</li> </ol>
(2) A change in the off-street parking requirements for a use as specified in Chapter 43, § 3.11, Table of General Use Regulations.
Comments: Addition to rear detached non-conforming use
Dear Fisher  Please be advised that the Building Permit Application # D23-3300, which you submitted on May 16, 2023, has been referred to the Orangetown Planning Board. Please contact the
Board office at 845-359-8410 ext. 4316 and someone will assist you in the preparation necessary to appear/before the board or you may email Katlyn Bettmann at kbettmann@orangetown.com Sinceptly
10/24/23 Richard Oliver
Depthy Building Inspector    0/23/25
Signature of Breeter NOTE: PLEASE KEEP FOR YOUR RECORDS 1-30-2023 SA  Date Liz DeCon Cheryl Coopersmith



## OFFICE OF BUILDING, ZONING, PLANNING ADMINISTRATION AND ENFORCEMENT

TOWN OF ORANGETOWN 20 GREENBUSH ROAD ORANGEBURG, N.Y. 10962

OCT 24 2024

Jane Slavin, RA Director (845) 359-8410

Fax; (845) 359-8526

LAND USE BOARDS

LIND USE BOARDS

Date:

September 24, 2024

To:

Planning Board

From:

Jane Slavin, RA.,

Director O.B.Z.P.A.E.

Subject:

Wyman-Fisher Addition Site Plan

Prepreliminary/ Preliminary/ Final Site Plan and SEQRA Review

96-100 Franklin Avenue, Pearl River 68.20/2/70; CS zoning district

Submission Reviewed:

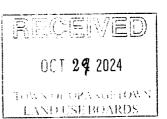
Proposed site plan package as prepared by Bart Rodi, Engineer, last revised 4/22/24.

Per Chapter 43, Article IX, section 9.2 Degree of nonconforming bulk not to be increased. A new one-story addition is proposed to the west side of the residential structure and new second story addition is proposed over both the existing west side and east side of the structure. Per Chapter 43, table 3.12, column 11, required rear yard is 25 feet with 2.7' proposed to the new one-story addition, 1.1 feet proposed to the west side second story addition.

- Per Chapter 43, Article IX, section 9.34; A nonconforming use shall not be extended except as follows: 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.
  - 3) Per Chapter 2, section 2-4, ACABOR review is required
  - 4) The SEAF appears to be in order.
  - 5) 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 signed by the Chairman to the Board and the construction plans are reviewed and approved by the inspector.

SWIS	PRINT KEY	NAME	ADDRESS
392489	68.20-2-4	Pearl River Union Free	135 W Crooked Hill Rd, Pearl River, NY 10965
392489	68.20-2-18	119 Franklin LLC	119 Franklin Ave, Pearl River, NY 10965
392489	66.20-2-19.1	United Methodist Church	130 Franklin Av, Pearl River, NY 10965
392489	68.20-2-19.2	Kevin Dempsey	121 Prospect Pl, Pearl River, NY 10965
392489	68,20-2-20	United Methodist Church	130 Franklin Ave, Pearl River, NY 10965
392489	68.20-2-36	Robert P Gorglione	125 Prospect St, Pearl River, NY 10965
392489	68.20-2-37	Yahismel Soto	117 Prospect Pl, Pearl River, NY 10965
392489	68.20-2-38	Michael & Mary Butler	116 Prospect PI, Pearl River, NY 10965
392489	68.20-2-39	Rosa Y Rodriguez-Gil	122 Prospect Pl, Pearl River, NY 10965
392489	68.20-2-59	John Nolan	39 S John St.Pearl River, NY 10965
392489	68.20-2-60	Robert H Ruderman	43 S John St, Pearl River, NY 10965
392489	68.20-2-61	Eileen M Fennell	51 S John St, Pearl River, NY 10965
392489	68.20-2-62	Joseph G Di Staso	57 So John St, Pearl River, NY 10965
392489	68.20-2-68	Pearl River Cemetery Corp	P.O. Box 804, Nanuet, NY 10954
392489	68.20-2-69	Andrew J Vergine	33 S John St,Pearl River, NY 10965
392489	68.20-2 <b>-</b> 70	David V Fisher	96-100 Franklin Av, Pearl River, NY 10965
392489	68.20-2-71	Christopher Vergine	86 Franklin Ave, Pearl River, NY 10965
392489	68.20-2-72	Pearl River Union Free School	80 Franklin Ave, Pearl River, NY 10965
392489	68.20-2-73	54-56 Franklin Ave LLC	20 Buttonwood Pl,Blauvelt, NY 10913

392489 U8.20-2 75 Pearl River Union free School District. 135 W. Crooked Hill Rd Pearl River, NY 10945



## 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.

Part 1 - Project and Sponsor Information	0				
Wyman Fisher Funeral Home					
Name of Action or Project:					
Addition to rear detached residential non-conforming use					
Project Location (describe, and attach a location map):					
96-100 Franklin Avenue, Pearl River, New York 10965					
Brief Description of Proposed Action:					
Addition to the rrear residence. expand existing non-conforming single family dwelling					
Name of Applicant or Sponsor:					
	Telephone: 914-906-3668				
David Fisher	E-Mail: davidfisherv@aol	.com			
Address:					
96 Franklin Avnue					
City/PO:	State:	Zip Code:			
	New York	10965			
<ol> <li>Does the proposed action only involve the legislative adoption of a plan, local administrative rule, or regulation?</li> </ol>	law, ordinance,	NO	YES		
If Yes, attach a narrative description of the intent of the proposed action and the en	vironmental resources th	at [			
may be affected in the municipality and proceed to Part 2. If no, continue to questi	ion 2.	at 🗾			
2. Does the proposed action require a permit, approval or funding from any other	government Agency?	NO	YES		
If Yes, list agency(s) name and permit or approval: Building permit, planning board and	zoning board approval		V		
3. a. Total acreage of the site of the proposed action? .566 acres					
b. Total acreage to be physically disturbed? .019 acres					
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?	.566 acres				
4. Check all land uses that occur on, are adjoining or near the proposed action:					
5. Urban Rural (non-agriculture) Industrial V Commercial	Residential (subur	ban)			
Forest Agriculture Aquatic Other(Specify):					
Parkland	""   RECE	IVEDI			
Toward					
	OCT 29	2024			

TOWN OF ORANGETOWN

5		Is the proposed action,	NO	YES	N/A
		a. A permitted use under the zoning regulations?		V	
		b. Consistent with the adopted comprehensive plan?		4	
				NO	YES
6	•	Is the proposed action consistent with the predominant character of the existing built or natural landscape?			V
7		Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?		NO	YES
I	fY	es, identify:		V	П
-				NO	YES
8		a. Will the proposed action result in a substantial increase in traffic above present levels?		NO	
		b. Are public transportation services available at or near the site of the proposed action?		片	V
		c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?			V
9		Does the proposed action meet or exceed the state energy code requirements?		NO	YES
I	ftł	ne proposed action will exceed requirements, describe design features and technologies:			
-					4
-					
1	0.	Will the proposed action connect to an existing public/private water supply?		NO	YES
		If No, describe method for providing potable water:			
				Ш	0
1	1	Will the proposed action connect to existing wastewater utilities?			
1	1.		III	NO	YES
		If No, describe method for providing wastewater treatment:		П	
-					
1	2.	a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or distric	t	NO	YES
		ich is listed on the National or State Register of Historic Places, or that has been determined by the nmissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the		~	
S	tat	te Register of Historic Places?	P		
		b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for		V	
a	rcł	naeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?			
i	3.	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
		b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?		V	片
I	fΥ	es, identify the wetland or waterbody and extent of alterations in square feet or acres:		V	Ш
-			7000		
-		- REGEIV	世上	9	

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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:		
☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-successional		
☐ Wetland ☐ Urban 🗹 Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or	NO	YES
Federal government as threatened or endangered?	<b>V</b>	
16. Is the project site located in the 100-year flood plan?	NO	YES
	V	
17. Will the proposed action create storm water discharge, either from point or non-point sources?	NO	YES
If Yes,	~	
a. Will storm water discharges flow to adjacent properties?	V	
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	0/	
If Yes, briefly describe:		
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)?	NO	YES
If Yes, explain the purpose and size of the impoundment:		_
	0/	Ш
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?	NO	YES
If Yes, describe:		
	~	Ш
	NO	VEC
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?	NO	YES
If Yes, describe:		
		Ш
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BE	ST OF	i
MY KNOWLEDGE		
Applicant/sponsor/name: DavidFisher Date: 2-24-2024		
Signature Title: Owner		



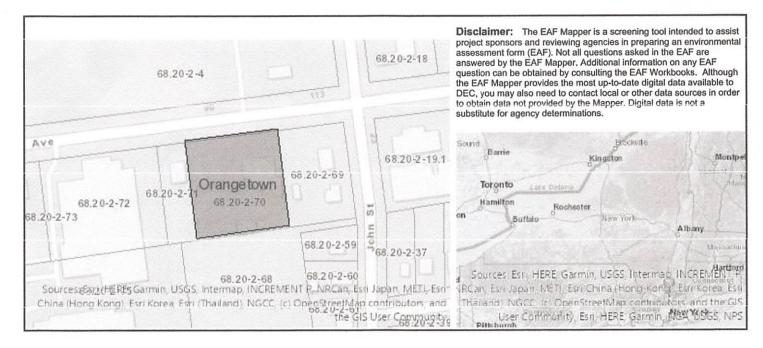
4. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply		
Shoreline Forest Agricultural/grasslands Early mid-successional		
□ Wetland □ Urban ✓ Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or	NO	YES
Federal government as threatened or endangered?	W	
16. Is the project site located in the 100-year flood plan?	NO	YES
	V	
17. Will the proposed action create storm water discharge, either from point or non-point sources?	NO	YES
If Yes,	8	
a. Will storm water discharges flow to adjacent properties?	W	
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	6	
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)?	NO	YES
If Yes, explain the purpose and size of the impoundment:	w	
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?	NO	YES
If Yes, describe:	V	
20.Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or	NO	YES
completed) for hazardous waste? If Yes, describe:		
	80	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE EMY KNOWLEDGE	EST OF	-
Applicant/sponsor/name Daviv Fisher Date: 2-24-2024		
Signature:		

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TOWN OF URANGETOWN LAND USE BOARDS

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Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	No
Part 1 / Question 12b [Archeological Sites]	No
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	No
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	No



Town of Orangetown Planning Board Decision September 25, 2024 Page 1 of 10

TO: David Fisher, 96 Franklin Avenue, Pearl River, New York 10965

FROM: Orangetown Planning Board

RE: PB #24-43 Wyman – Fisher Site Plan: The application of David Fisher, applicant and owner, for Prepreliminary/ Preliminary/ Final Site Plan, at a site known as "Wyman - Fisher", 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 96-100 Franklin Avenue, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 68.20, Block 2, Lot 70 in the CS zoning district.

Heard by the Planning Board of the Town of Orangetown at meetings held **Wednesday September 25, 2024** 

#### **September 25, 2024**

Bart Rodi, David Fisher and Chris Verge, appeared and testified. The Board received the following communications:

- 1. Project Review Committee Report dated September 11, 2024.
- 2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement (OBZPAE), Town of Orangetown, signed by Jane Slavin, R.A., AIA, Director, dated September 24, 2024.
- 3. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated September 24, 2024.
- 4. Interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by David Majewski, Chief Fire Inspector, dated September 10, 2024.
- 5. Letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated September 24, 2024.
- Letter from the Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated September 17, 2024.
- 7. Letter from Rockland County Department of Health, signed by Elizabeth Mello, PE, dated August 2, 2024.
- 8. Letter from Rockland County Highway Department, signed by Dyan Rajasingham, dated July 25, 2024.
- 9. Letter from Applicant Bart Rodi, dated September 11, 2024.
- 10. Project Narrative, dated February 24, 2024.
- 11. As-Built Plans Proposed Elevations: Wyman Fisher Funeral Home, prepared and signed by Bart Rodi, last revised April 22, 2024
- 12. Preliminary Floor Plans: Wyman Fisher Funeral Home, prepared and signed by Bart Rodi, last revised April 22, 2024

10 WW CLERK'S OFFICE 2024 OCT 24 △ 22 10 WW OF ORANGETOWN

Town of Orangetown Planning Board Decision September 25, 2024 Page 2 of 10

- 13. Site Plan: Wyman Fisher Funeral Home, prepared and signed by Bart Rodi, last revised April 22, 2024.
- 14. Letter/ Notice from the Rockland County Department of Planning, signed by Jake Palant, dated July 22, 2024.

The Board reviewed the plan. The meeting was open to the public.

A motion was made to open the Public Hearing by Michael Mandel- Vice Chairman and second by Denise Lenihan and carried as follows: Thomas Warren – Chairman, aye; Denise Lenihan, aye; Michael Mandel- Vice Chairman, aye; Lisa DeFeciani, absent; Bruce Bond (Alternate Member), aye Michael McCrory, aye; and Andrew Andrews, aye.

There being no one from the public, a motion was made to close the Public Hearing portion of the meeting by Michael Mandel- Vice Chairman and second by Denise Lenihan and carried as follows: Thomas Warren – Chairman, aye; Denise Lenihan, aye; Michael Mandel- Vice Chairman, aye; Lisa DeFeciani, absent; Bruce Bond (Alternate Member), aye, Michael McCrory, aye; and Andrew Andrews, 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 Planning, Rockland County Department of Highways, Rockland County Department of Health, Rockland County Sewer District #1, and having reviewed the drawings presented by the applicant's professional consultants; a summary of the reasons supporting this determination are, and the Planning Board finds that the proposed action:

- · Will not significantly affect existing air quality or noise levels;
- Will not significantly affect existing surface water quality or quantity or drainage;
   BULLEGE

TOWN OF ORANGETOWN

TOWN OF URANGETOWN

BLDC-3300-23

Town of Orangetown Planning Board Decision September 25, 2024 Page 3 of 10

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

On motion by Michael Mandel, Vice Chairman, and seconded by Bruce Bond, (Alternate Member), carried as follows: Thomas Warren, Chairman, aye; Michael Mandel, Vice Chairman, aye; Andrew Andrews, aye; Michael McCrory, aye; Bruce Bond, (Alternate Member), aye; Denise Lenihan, aye; and Lisa DeFeciani, aye, the Board declared itself Lead Agency.

On motion by Michael Mandel, Vice Chairman, and seconded by Denise Lenihan, carried as follows: Thomas Warren, Chairman, aye; Michael Mandel, Vice Chairman, aye; Andrew Andrews, aye; Michael McCrory, aye; Bruce Bond, (Alternate Member), aye; Denise Lenihan, aye; and Lisa DeFeciani, aye, the Board declared a Negative Declaration.

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

 The following note shall be placed on the subdivision 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

TOWN OF ORANGETOWN

TOWN CLERK'S OFFICE

TOWN CLERK'S OFFICE

Town of Orangetown Planning Board Decision September 25, 2024 Page 4 of 10

#### **CONTINUATION OF CONDITION #1**

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."

- 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. 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.
- 5. The Town of Orangetown Department of Building, Zoning, Planning Administration and Enforcement reviewed the Information and has the following comments:
  - 1. Per Chapter 43, Article IX, section 9.2 Degree of nonconforming bulk not to be increased. A new one-story addition is proposed to the west side of the residential structure and new second story addition is proposed over both the existing west side and east side of the structure. Per Chapter 43, table 3.12, column 11, required rear yard is 25 feet with 2.7' proposed to the new one-story addition, 1.1 feet proposed to the west side second story addition and .5 proposed to the east side second story addition.
  - 2. Per Chapter 43, Article IX, section 9.34; A nonconforming use shall not be extended except as follows: 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.
  - 3. Per Chapter 2, section 2-4, ACABOR review is required.
  - 4. The SEAF appears to be in order.

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Town of Orangetown Planning Board Decision September 25, 2024 Page 5 of 10

- 5. 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 signed by the Chairman to the Board and the construction plans are reviewed and approved by the inspector.
- 6. 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 added to the site plan.
  - 2. The tables on the site plan shall be revised to show each individual impervious area that is being removed with summation/ total, each impervious area being created with summation/ total, each pervious area being removed with summation/ total and each pervious area being created (if applicable)-with summation/ total.
  - 3. All existing and proposed pervious and impervious areas shall be clearly dimensioned on the site plan.
  - 4. The final surface/ cover for all impervious areas that are being removed, shall be clearly noted on the site plan.
  - 5. The existing sanitary building/ house connections shall be shown on the site plan.
  - 6. Soil erosion and sediment control plans and details shall be submitted with the drawing set for review and approval.
  - 7. All existing and proposed easements (if applicable) shall be shown on the plan, including page and liber or instrument number, metes and bounds, utility location within easement and ownership.
  - 7. The Town of Orangetown Bureau of Fire Prevention reviewed the information and does not have any comments at this time.

#### 8. Drainage Review - Brooker Engineering

Based on the information provided, there are no potential significant adverse impacts with respect to stormwater runoff that require mitigation. Therefore, we recommend that the Wyman Fisher Funeral Home Site Plan be approved for drainage subject to the following Project Comments.

#### **Project Description**

This is the first drainage review report for this modified site plan approval project. The developed property is located on the south side of Franklin Avenue and contains and existing commercial structure with associated parking and detached garage. The detached garage will have a 320 SF building addition on the west side of the existing structure. Podignsof, NB373 NM01

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Town of Orangetown Planning Board Decision September 25, 2024 Page 6 of 10

existing pavement will be removed to compensate for the new building addition; there is a net decrease of 36 SF of impervious areas. There is an overall reduction in impervious area and stormwater runoff from the site and existing drainage patterns are being maintained. No post construction stormwater management facilities are proposed and none are required.

#### Comments

- 1. Provide existing and proposed grading for the site; show positive drainage away from the new building addition in all directions.
- 2. Show roof leaders for the detached garage and verify there will be no point sources of discharge that will impact the property to the south.
- 3. Provide finished floor elevations and building dimensions for the addition.
- 4. Provide sediment and erosion control measures during construction.
- Show proposed ground cover in areas where pavement is being removed.
- 6. Provide overall limit of disturbance of the proposed work on the site plan.
- 9. The Rockland County Department of Planning reviewed the plans and offered the following comments.
  - i. The expansion of a nonconforming use generally requires a use variance. Sheet A-2 of the preliminary floorplans indicates that the proposed additions will increase the area of the nonconforming dwelling by 59%. Chapter 43, Article IX, Section 9.34 provides a specific mechanism with limited circumstances by which a nonconforming use may be expanded, with one of those conditions being that the nonconforming use cannot be expanded by more than 50%. Since the applicant is requesting the enlargement of a nonpermitted use and does not meet the criteria to allow that enlargement as per Section 9.34, a use variance rather than an area variance is required. This department is not generally in favor of granting use variances because of the land use precedent that can be set. An applicant must prove that applicable zoning regulations and restrictions have caused unnecessary hardship for a use variance to be granted. To prove such unnecessary hardship the applicant shall demonstrate to the Zoning Board of Appeals (ZBA) that for each and every permitted use under the zoning regulations for the particular district where the property is located:
    - i. The applicant cannot realize a reasonable return, provided the lack of return is substantial as shown by competent financial evidence.
    - ii. The alleged hardship is unique and does not apply to a substantial portion of the district or neighborhood.
    - iv. The requested variance will not alter the essential character of the neighborhood.
      - ES:9 A 45 T30 MS0S
  - v. The alleged hardship is not self-created.

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#### **CONTINUATION OF CONDITION # 9......**

The applicant has not attempted to demonstrate that an unnecessary hardship exists. Without the documentation to warrant a use variance, the site plan must be disapproved, and the proposed additions reduced in scale.

The following comments address our additional concerns about the proposal:

- b. The proposed addition is only 2. 7-feet away from the rear property line, encroaching into the required rear yard by 89%. Since this addition is creating more space that does not comply with the minimum bulk requirements, a rear yard variance may be required. Any additional variances required to permit the proposed site plan must be forwarded to this department for review, as required by New York State General Municipal Law, Section 239-m (3)(a)(v).
- c. 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.
- d. The applicant must comply with the comments provided by the Rockland County Highway Department in their letter of July 25, 2024.
- e. A review must be completed by the County of Rockland Office of Fire and Emergency Services, the Town of Orangetown Fire Inspector, or the Pearl River Fire District to ensure that the site is designed in a safe manner and there is sufficient maneuverability on the site for emergency vehicles.
- f. Prior to the start of demolition, construction or grading, a soil and erosion control plan shall be developed and in place for the entire site that meets the latest edition (November 2016) of the New York State Standards for Urban Erosion and Sediment Control.
- g. There shall be no net increase in the peak rate of discharge from the site at all design points.
- h. 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 #9......**

- i. 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.
- 10. The Rockland County Department of Health (RCDOH) reviewed the plans and offered the following comments:
  - i. The Rockland County Department of Health have received a Notification of Intent to Act as Lead Agency, a Short Environmental Assessment Form (EAF), other supporting documentation and plans as prepared by Bart M. Rodi, dated April 22, 2024, for the above referenced project. This office has no objection to the Town of Orangetown Planning Board acting as Lead Agency for this project. Detailed engineering plans are to be provided so that it can be determined if additional approvals from this department are required.
- 11. The Rockland County Highway Department reviewed the information and offered the following comments:
  - The RCHD consents that the Town of Orangetown Planning Board serve as Lead Agency for coordinated environmental review of the proposed action.
  - ii. The applicant shall make sure the existing/proposed drainage system in the parcel would not increase the peak rate of discharge as it enters the public highway drainage system due to the proposed action.
- 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:
  - No construction equipment shall be parked under the tree canopy.
  - There will be no excavation or stockpiling of earth underneath the trees.

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## CONTINUATION OF CONDITION # 12.....

- Trees designated to be preserved shall be marked conspicuously on all sides at a 5 to 10-foot height.
- The Tree Protection Zone for trees designated to be preserved will be established by one of the following methods:
  - i. One (1) foot radius from trunk per inch DBH
  - ii. 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 plan 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.

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- 16. If the applicant, during the course of construction, encounters such conditions as flood areas, underground water, soft or silty areas, improper drainage, or any other unusual circumstances or conditions that were not foreseen in the original planning, such conditions shall be reported immediately to DEME. The applicant shall submit their recommendations as to the special treatment to be given such areas to secure adequate, permanent and satisfactory construction. DEME shall investigate the condition(s), and shall either approve the applicant's recommendations to correct the condition(s), or order a modification thereof. In the event of the
  - applicant's disagreement with the decision of DEME, or in the event of a significant change resulting to the 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. 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. A note shall be included on the filed site plan to the effect that approval is granted for ITE Land Use Code 150 warehousing only, and any future intent for alternate warehousing will require a new application to the Building Department and Planning Board.
- 20. 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 Bond (alternate member) and carried as follows: Thomas Warren – Chairman, aye; Denise Lenihan, aye; Michael Mandel – Vice Chairman, aye; Michael McCrory, aye; Lisa DeFeciani, absent; Bruce Bond (alternate member), aye; and Andrew Andrews, 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: September 25, 2024

Gerard Chesterman, Town of Orangetown Planning Board

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State Environment al Quality Review Regulations NEGATIVE DECLARATION Notice of Determination of Non-Significance

PB #24-43: Wyman-Fisher Site plan Preliminary Site Plan Subject to Conditions NEG DEC

BLDC-3300-23

## Town of Orangetown Planning Board Decision September 25, 2024

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 A	ACTION:	Wyman-Fisher	Site Plan
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SEQR STATUS:	Type I	Unlisted XXXXXX		
CONDITIONED N	<b>EGATIVE</b>	DECLARATION: Yes	No	XXXXXX

# DESCRIPTION OF ACTION: Preliminary Site Plan Review LOCATION: 96-100 Franklin Avenue, Pearl River, New York 10965

#### 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:

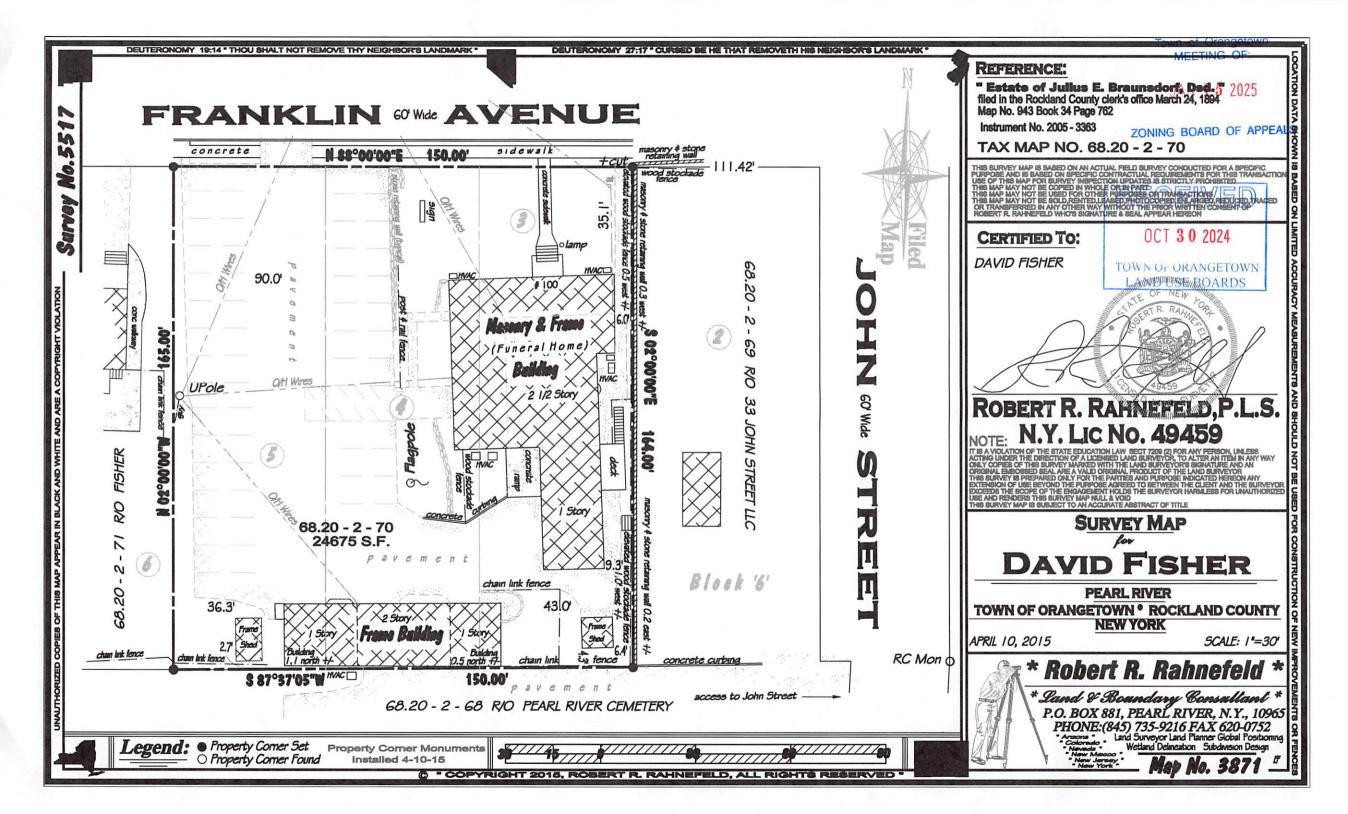
Office of Building, Zoning and Planning Administration and Enforcement Town of Orangetown 26 West Orangeburg Road, Orangeburg, NY 10962 Telephone Number: 845-359-8410

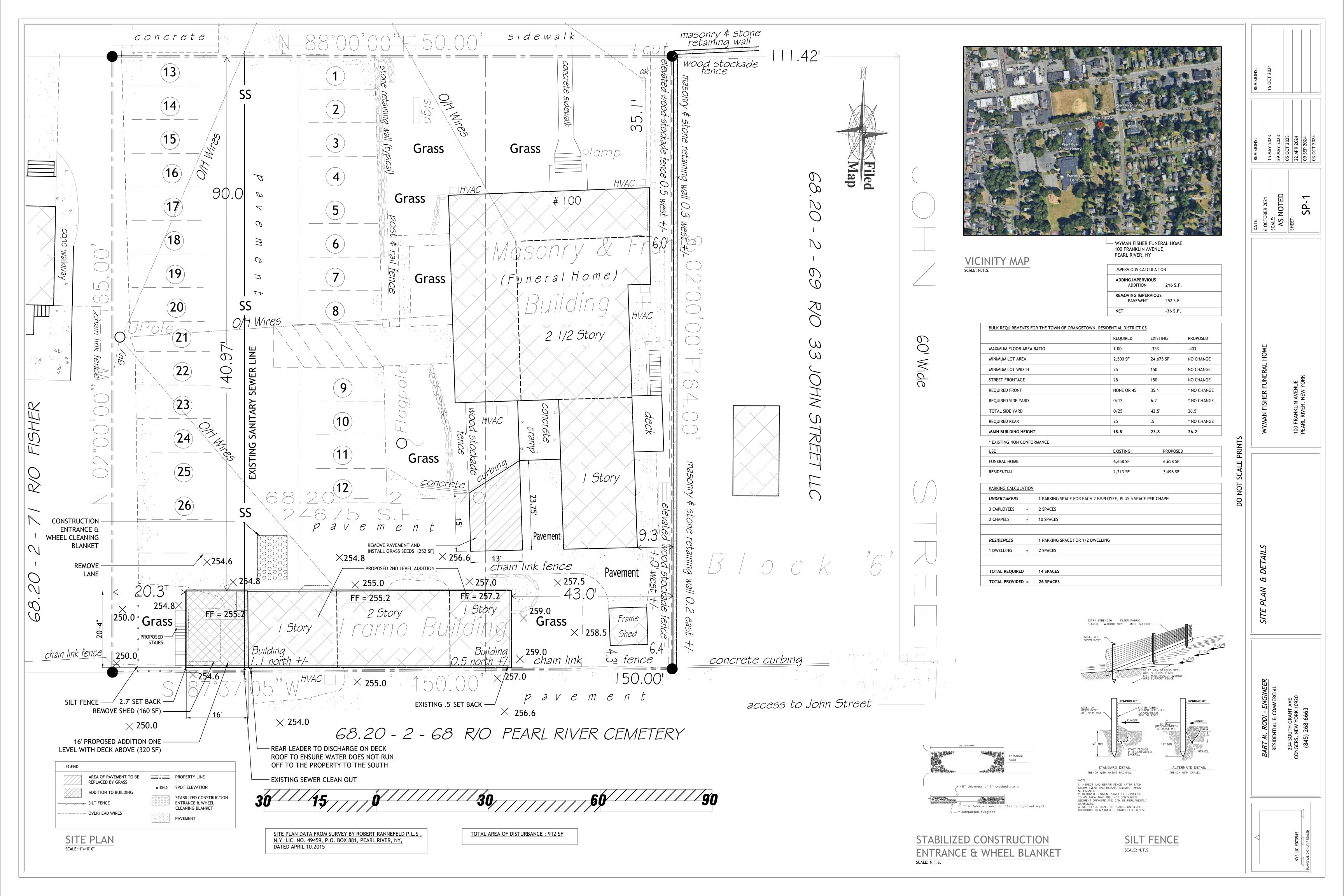
For Type I Actions and Conditioned Negative Declarations, a copy of this notice is sent: - Commissioner, New York State Department of Environmental Conservation, - Region 3 Headquarters, NYSDEC, - Town Supervisor, Applicant, Involved Agencies

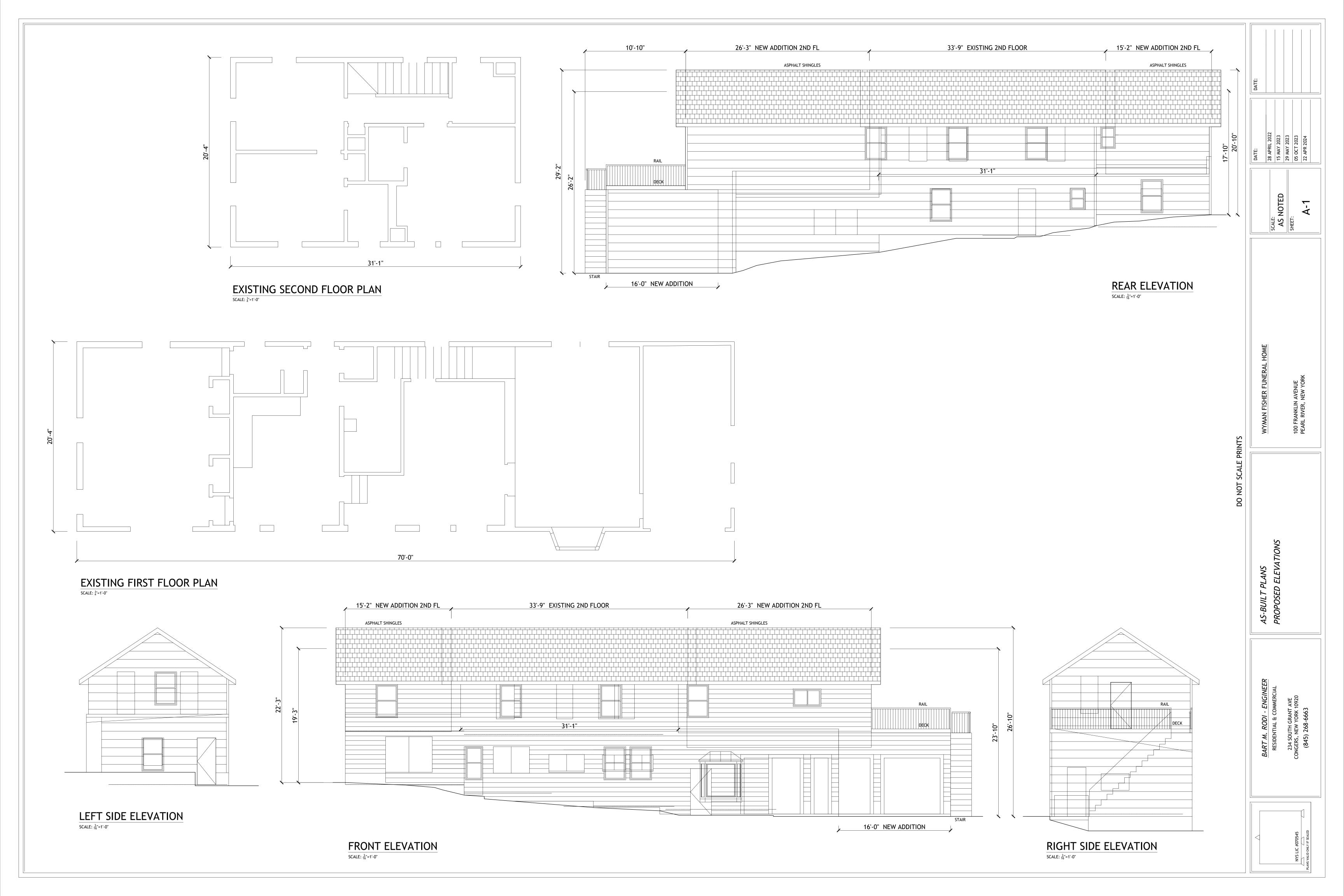
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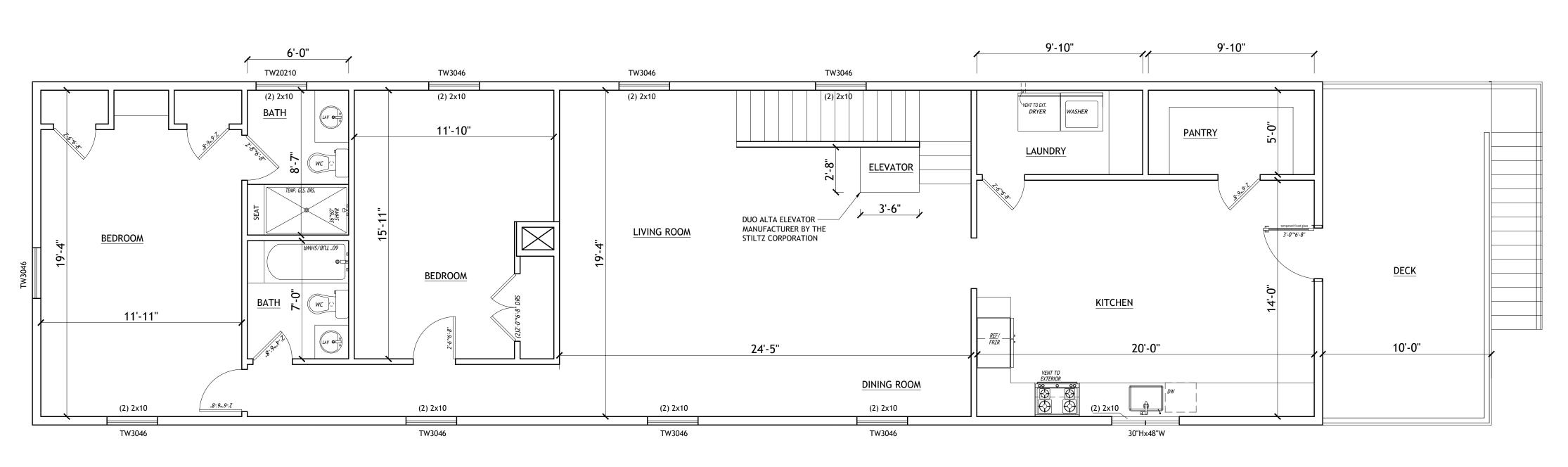
TOWN CLERK'S OFFICE

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SECOND FLOOR PLAN
SCALE: 4"=1'-0"

FIRST FLOOR PLAN

SCALE: <sup>1</sup>/<sub>4</sub>"=1'-0"

	TW3046 TW20210	CLOS/STOR TW3046		
Z0'-4"  TW3046	BATH  D-Z  Q  D-Z  Q  D-Z  Q  D-Z  Q  D-Z  D-Z	MECH ROOM	DUO ALTA ELEVATOR MANUFACTURER BY THE STILTZ CORPORATION  See See See See See See See See See Se	14'-10"
2.8.8.6.8.	BEDROOM  S.9.,9.Z  FIXED GLASS  TW2446	PEN  RECREATION ROOM  FIXED GLASS  FIXED GLASS  FIXED GLASS  (2) TW3046	3-BAY GARAGE  3-0"6-8"  3-BAY GARAGE  30'-0"  9'-8"	95

SQUARE FOOTAGE			
EXISTING	1ST FLOOR		1,42
	2ND FLOOR		630
	SHED		160
TOTAL EXISTING			2,21
NEW	1ST FLOOR		1,74
	2ND FLOOR		1,54
	DECK		1,423 630 160 2,213 1,748 1,545 203 3,496 1,283 = 6,658 = 2,213 = 8,871 = 10,15
TOTAL NEW		3,49	
TOTAL ADDED			1,28
MAIN BUILDING		=	6,65
EXISTING RESIDENCE		=	2,21
EXISTING TOTAL		=	8,87
NEW TOTAL		=	10,1

V VARIANCE REQUIRED AS PER CHAPTER 43 SECTION 9.34

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DO NOT SCALE PRINTS	REVISIONS:		9 MAV 2022	7 MAI 2022	16 AUGUST 2022	9 IANIIARY 2023		15 MAY 2023	29 MAY 2023	2000
	DATE:	E MAY 2022	2 MAT 2022	SCALE:	AS NOTED		CHFFT.		A-2	
		WYMAN FISHER FLINFRAL HOMF						100 FRANKLIN AVENUE	PEARL RIVER, NEW YORK	
		PRELIMINARY FLOOR PLANS								
	BART M. RODI - ENGINEER RESIDENTIAL & COMMERCIAL						234 SOUTH GRANT AVE	CONGERS, NEW YORK 10920	(845) 268-6663	
								#070545	Y IF SEALED	