

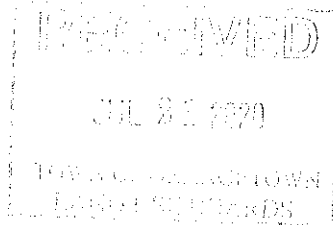
DEPARTMENT OF PLANNING

Dr. Robert L. Yeager Health Center
50 Sanatorium Road, Building T
Pomona, New York 10970

Phone: (845) 364-3434 Fax: (845) 364-3435

Douglas J. Schuetz
Acting Commissioner

Arlene Miller
Deputy Commissioner



July 15, 2020

Orangetown Zoning Board of Appeals
21 Greenbush Road
Orangeburg, NY 10962

Tax Data: 75.09-1-3

75.37-1-4

Re: GENERAL MUNICIPAL LAW REVIEW: Section 239 L and M

Map Date: 6/30/2020

Date Review Received: 7/7/2020

Item: *HYUN SITE PLAN (O-2396A)*

Variances to permit a 1,800 SF addition to an existing 1,970 SF single family dwelling located on 0.5156 acres (gross) in the R-22 zoning district in the Town of Orangetown, R-20 zoning district in the Village of Piermont, and critical environmental area in each municipality. The net lot area after adjustment for steep slopes is 0.3140 acres. The variances required include front yard, rear yard, floor area ratio, and height. East side of Tweed Boulevard, approximately 2,442 feet south of Nike Lane

Reason for Referral:

Tweed Boulevard (CR 5), US Route 9W, Village of Piermont, Long Path Hiking Trail

The County of Rockland Department of Planning has reviewed the above item. Acting under the terms of the above GML powers and those vested by the County of Rockland Charter, I, the Commissioner of Planning, hereby:

****Disapprove***

1 The subject site is only 14% of the minimum lot area standard of 22,500 square feet required for a single-family residence. The proposed addition requires substantial variances to accommodate an oversized residential building on an undersized, environmentally sensitive parcel. The front yard is 96% deficient in meeting the bulk requirement. No rear yard is provided to the addition, when 45 feet is required. The building height is 2,311% greater than what is permitted per foot from the lot line. The floor area ratio exceeds the permitted standard by 495%. The surrounding neighborhood is characterized by similarly-sized parcels. Granting these bulk variances will set a precedent that may result in nearby property owners seeking the same relief. The Town must consider the cumulative and regional impacts of permitting such development. An increase in the residential density in this neighborhood of non-conforming parcels will negatively impact the stability of the slope, undermine the intent of the Critical Environmental Area designation, negatively affect the community character, and put more stress on infrastructure capacity. Additional residents will generate more traffic on the local streets, leading to congestion and traffic conflicts. We recommend that the required variances be denied, and that the addition not be permitted as proposed.

HYUN SITE PLAN (O-2396A)

- 2 The applicant must comply with the comments made by the Rockland County Highway Department in their letter of July 15, 2020.
 - 3 An updated review must be completed by the Rockland County Department of Health. In addition, the applicant must comply with the comments made in their letter of January 28, 2019.
 - 4 The Village of Piermont is one of the reasons this proposal was referred to this department for review. The municipal boundary bisects the site. New York State General Municipal Law states that the purposes of Sections 239-l, 239-m and 239-n shall be to bring pertinent inter-community and county-wide planning, zoning, site plan and subdivision considerations to the attention of neighboring municipalities and agencies having jurisdiction. Such review may include inter-community and county-wide considerations in respect to the compatibility of various land uses with one another; traffic generating characteristics of various land uses in relation to the effect of such traffic on other land uses and to the adequacy of existing and proposed thoroughfare facilities; and the protection of community character as regards predominant land uses, population density, and the relation between residential and nonresidential areas. In addition, Section 239-nn was enacted to encourage the coordination of land use development and regulation among adjacent municipalities, and as a result development occurs in a manner which is supportive of the goals and objectives of the general area.
- The Village of Piermont must be given the opportunity to review the proposal and its impact on community character, traffic, water quantity and quality, drainage, stormwater runoff and sanitary sewer service. The areas of countywide concern noted above that directly impact the Village of Piermont must be considered and satisfactorily addressed, as well as any additional concerns about the proposal.
- 5 A review must be completed by the New York - New Jersey Trail Conference and any concerns addressed.
 - 6 The bulk table provided on the site plan must be updated to indicate a variance is required for rear yard.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Teresa Kenny, Orangetown
New York - New Jersey Trail Conference
New York State Department of Transportation
Rockland County Department of Health
Rockland County Department of Highways

Michael Esmay
Village of Piermont
Jay A. Greenwell, PLS, LLC

Rockland County Planning Board Members

**NYS General Municipal Law Section 239 requires a vote of a 'majority plus one' of your agency to act contrary to the above findings.*

The review undertaken by the Rockland County Planning Department is pursuant to, and follows the mandates of Article 12-B of the New York General Municipal Law. Under Article 12-B the County of Rockland does not render opinions, nor does it make determinations, whether the item reviewed implicates the Religious Land Use and Institutionalized Persons Act. The Rockland County Planning Department defers to the municipality forwarding the item reviewed to render such opinions and make such determinations if appropriate under the circumstances.

In this respect, municipalities are advised that under the Religious Land Use and Institutionalized Persons Act, the preemptive force of any provision of the Act may be avoided (1) by changing a policy or practice that may result in a substantial burden on religious exercise, (2) by retaining a policy or practice and exempting the substantially burdened religious exercise, (3) by providing exemptions from a policy or practice for applications that substantially burden religious exercise, or (4) by any other means that eliminates the substantial burden.

Proponents of projects are advised to apply for variances, special permits or exceptions, hardship approval or other relief.

Pursuant to New York State General Municipal Law §239-m(6), the referring body shall file a report of final action it has taken with the Rockland County Department of Planning within thirty (30) days after final action. A referring body which acts contrary to a recommendation of modification or disapproval of a proposed action shall set forth the reasons for the contrary action in such report.



Rockland County

Ed Day, Rockland County Executive

HIGHWAY DEPARTMENT
 23 New Hempstead Road
 New City, New York 10956
 Phone: (845) 638-5060 Fax: (845) 638-5037
 Email: highway@co.rockland.ny.us

Charles H. "Skip" Vezzetti
Superintendent of Highways

Ms. Deborah Arbolino
 The Zoning Board of Appeals
 Town of Orangetown
 20 South Greenbush Road
 Orangeburg, NY 10962



**RE: Site Plan Review for Addition to an Existing Single-Family House
 161 Tweed Boulevard in the Village of Piermont and Town of Orangetown, NY
 Tax Lots #75.09-1-4 and 3; R-20 and 22 Zoning District**

Dear Ms. Arbolino:

The Rockland County Highway Department ("RCHD") was in receipt of the referenced site plan prepared by Michael Esmay Architect, dated 06.30.20, together with other information as part of the GML review process. The review has been complete now and our comments are as follows:

- 1) The RCHD believes the proposed action would have no significant effects on the County Road and has no objection to the Town's determination on the matter.
- 2) A road work permit shall be obtained from the Rockland County Highway Department prior to starting any construction activities in the site, if the site plan is approved by the Town.

We appreciate you for the opportunity to review the site plan. Please feel free to contact us at 845-638-5060 with any question or concern you may have regarding this matter.

Thank you.



Dyan Rajasingham
 Engineer III

CC: Rockland County Department of Planning
 Michael Esmay Architect



Rockland County

Ed Day, Rockland County Executive

ROCKLAND COUNTY SEWER DISTRICT NO. 1

4 Route 340
Orangeburg, New York 10962
Phone: (845) 365-6111 Fax: (845) 365-6686
RCSD@co.rockland.ny.us

George Hoehmann
Chairman

Michael R. Saber, P.E.
Executive Director

August 28, 2020

Ms. Deborah Arbolino
Town of Orangetown Zoning Board of Appeals
20 South Greenbush Road
Orangeburg, NY 10962

Re: Hyun Site Plan
161 Tweed Boulevard, Upper Grandview
Town of Orangetown Tax Lot 89/75.09-1-3 (formerly 55-69-600.2)
Village of Piermont Tax Lot 05/75.37-1-4 (formerly 5-114-900.11/3)


Dear Ms. Arbolino:

Our office has received and reviewed a site plan that was last revised on June 30, 2020, which Michael Esmay, RA prepared for the above referenced project. We thank you for the opportunity to comment on this application. Our comments are as follows:

1. 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. We request no future correspondence for this site.

Please inform us if any developments in this project change to affect the District. If you have any questions, please contact this office at 845-365-6111.

Very truly yours,



Joseph LaFiandra
Engineer II

cc: M. Saber
Helen Kenny-Burrows – Rockland County Department of Planning
Dyan Rajasingham – Rockland County Highway Department
Charles Schaub – Village of Piermont, 478 Piermont Avenue, Piermont, NY 10968

File: TOO 75.09-1-3 – 161 Tweed Boulevard
Reader

Rocklandgov.com

Rockland County HEALTH

CENTER FOR ENVIRONMENTAL HEALTH

Dr. Robert L. Yeager Health Center
50 Sanatorium Road, Building D
Pomona, New York 10970
Phone: (845) 364-2608 Fax: (845) 364-2025



Public Health
Prevent. Promote. Protect.

EDWIN J. DAY
County Executive

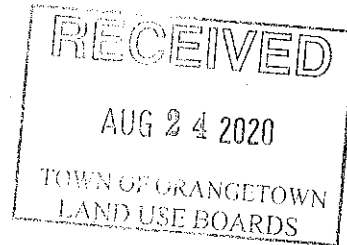
PATRICIA S. RUPPERT, DO, MPH, CPE, DABFM, FAAFP
Commissioner of Health

SAMUEL RULLI, PE
Director, Environmental Health

August 19, 2020

Ms. Deborah Arbolino
Town of Orangetown Zoning Boards of Appeals
20 Greenbush Road
Orangetown, NY 10962

Re: Hyun Site Plan
Single Family Residence Addition
Tax lot 75.09-1-3



Dear Ms. Arbolino:

We have received an application and plans as prepared by Michael Esmay, Architect revised through June 30, 2020 for the above referenced project. Comments are as follows:

1. Application is to be made to the RCDOH for review of the storm water management system for compliance with the County Mosquito Code.

If you have any questions regarding this matter, do not hesitate to call.

Very truly yours,

Elizabeth Mello, P.E.
Senior Public Health Engineer
(845) 364-2616

cc: Arlene Miller, Rockland County Department of Planning

RECEIVED

JUL 13 2020

ZONING BOARD OF APPEALS

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

Date: July 8, 2020

TO: OBAPAE

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

Rockland County Drainage
Rockland County Health
Rockland County Planning
Rockland County Highway

NYS DOT

Review of Plans: Hyun Site Plan, 161 Tweed Boulevard, Sparkill, NY
Section 75.09 Block 1 Lot 3 R-22 zone

This matter is scheduled for:

Chapter 43, R-22 District, Group I, Section 3.12, Columns 4 (Floor Area Ratio: .20 permitted, .52 existing, 1.19 proposed); 8 (Front Yard: 40' required, 15.9' existing, 1.7' proposed); 11 (Rear Yard: 45' required, 0' existing & proposed to new addition) and 12 (Building Height: 9" per 1' permitted, 19.5" per 1' existing, 208" per 1' proposed) for an addition to an existing single-family residence.

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

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

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

Zoning Board Meeting Date: September 2, 2020

- 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, September 2, 2020. Kindly forward your completed review to this office by September 2, 2020.

Reviewing Agency NYS DOT

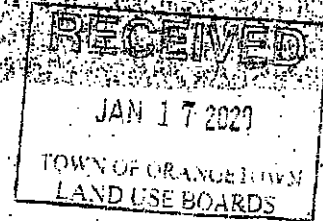
Name Wendy Debra date: 7/20/2020

Signature: [Handwritten Signature]

Thank you Deborah Arbolino



INCORPORATED VILLAGE OF PIERMONT
479 PIERMONT AVENUE PIERMONT, NEW YORK 10968
PHONE (845) 389-1200
FAX (845) 389-0099



Town of Orangetown Planning Board

Attn: Debbie Arbolino

Hyun Site Plan: 161 Tweed Boulevard, Upper Grandview SBL: 75.09-1-3

Please be advised that the Piermont Building Department has no objection to Orangetown Building Department taking the lead on this project for the portion of the house that is located in Orangetown.

But please obtain a Piermont Permit application for the decks on this project which are located on the tax map in Piermont.

Charlie Schaub

Piermont Building Inspector

ZONING BOARD OF APPEALS

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

Date: July 8, 2020

TO: OBAPAE

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

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Rockland County Health
Rockland County Planning
Rockland County Highway

Review of Plans: Hyun Site Plan, 161 Tweed Boulevard, Sparkill, NY
Section 75.09 Block 1 Lot 3 R-22 zone

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Chapter 43, R-22 District, Group I, Section 3.12, Columns 4 (Floor Area Ratio: .20 permitted, .52 existing, 1.19 proposed); 8 (Front Yard: 40' required, 15.9' existing, 1.7' proposed); 11 (Rear Yard: 45' required, 0' existing & proposed to new addition) and 12 (Building Height: 9" per 1' permitted, 19.5" per 1' existing, 208" per 1' proposed) for an addition to an existing single-family residence.

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

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- Email to Zoning Board: darbolino@orangetown.com or
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Zoning Board Meeting Date: September 2, 2020

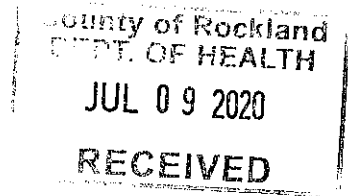
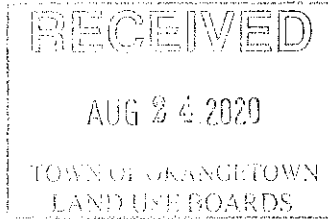
- Comments attached
- No Comments at this time. Please send future correspondence for review.
- No future correspondence for this site should be sent to this agency. Plans reviewed and this agency does not have any further comments.
- This project is out of the jurisdiction of this agency and has no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

This project is before the Zoning Board on **Wednesday, September 2, 2020**. Kindly forward your completed review to this office by **September 2, 2020**.

Reviewing Agency RC Health Dept

Name Liz Mello date: 8/19/20

Signature: [Signature]



ADDITION AND ALTERATION TO THE HYUN RESIDENCE 161 TWEED BOULEVARD. UPPER GRANDVIEW, NY

The Site is located in Upper Grandview on the East side of Tweed Boulevard approximately 3000 feet North of the intersection of Tweed Boulevard and Route 9W. Tweed Boulevard is Rockland County Highway No.5 and has a right of way width of 80 ft. at this location.

The Site consists of two Tax Lots one located in the Town of Orangetown Tax Lot 75.09/1/3 and the other in the Village of Piermont Tax Lot 75.37/1/4. The Orangetown Tax Lot is located in a R22 Zone and is in a Orangetown Critical Environmental Area. The total area of the lot is 22,501 square feet but by applying the slope requirements of Orangetown and Piermont the effective area of the Site is 13,637 square feet for Zoning purposes - 3,175 square feet in Orangetown and 10,462 square feet in Piermont.

On the Site there is an existing 2 ½ story residence that was constructed in 1972. The residence sits mostly in Orangetown and is accessed by a bridge that is approximately at the level of the adjacent roadway. The residence is in poor condition having been poorly maintained as well as having been struck by a tree causing much damage.

The property was recently acquired by Mikyong and Chul Hyun who live in Palisades, NY. The Hyuns are proposing a two story Addition and Alteration that will double the size of the residence. The Addition will include a new Entry, two car Garage and Master Bedroom Suite. The number of Bedrooms will remain at two. All existing Decks will be removed and replaced. The new Decks will, for the most part, be located in the Village of Piermont.

The proposed Addition and Alteration has received preliminary site plan approval from the Planning Board subject to some conditions which include a referral to the Zoning Board of Appeals for necessary variances.

The proposed Addition excluding decks will be located in Orangetown and fill the space between the existing structure and the West property line. This will require the obtaining of variances from the requirements of the Zoning Ordinance Article 3 Section 3.12 Bulk Regulations. As noted by Director Jane Slavin the variances required are as follows:

Bulk Regulation	Requirement	Existing	Proposed	Note
Minimum Lot Size	22,500 sq.ft.	3,175 sq.ft.	3,175 sq.ft.	Existing non-conformance
Rear Yard Setback	45 feet	0 feet	0 feet	Existing non-conformance
Floor Area Ratio	0.20	0.62	1.19	
Front Yard Setback	40 feet	15.9 feet	1.7 feet	
Building Height	9"/1'	19.5"/1'	208"/1'	

Because of the uniqueness of many of the properties located along Tweed Boulevard there have been many variances granted to those properties over the years. As a consequence what has been proposed will not set an undesirable land use precedent and the proposed project will not result in an over utilization of the Site. Some conditions that affect the need for a variance include size of tax lot (3,175 square feet), steepness of the Site, cost and viability of possible alternate approaches, construction and configuration of the existing dwelling and the minimizing of impervious surfaces that have an important impact in a Critical Environmental Area. It is also important to note that the width of the Tweed Boulevard right of way at this location is 80 feet whereas over 96% of it's length there is a 60 foot right of way or in some cases less than 60 feet.

It has been stated that the variances requested should be considered substantial but taken in context they are not unique when compared to other properties located along Tweed Boulevard.

The Orangetown Tax Lot area is 3,175 square feet. But by adding the Piermont part of the property to the Orangetown part and then taking into account reductions because of slope laws the site is actually 13,677 square feet in size for zoning purposes. The reduction of the actual lot size in area from 22,501 square feet to 13,677 square feet is indicative of the property's steep slopes. Taken together the area of the combined lots for zoning purposes is still non-conforming but not as substantial a non-conformity as when considering just the Orangetown Tax Lot.

The Floor Area Ratio requirement is 0.20 and 1.19 is proposed. When the two Tax lots are taken together as a single lot the FAR for the existing residence would then be 0.144 and for what is proposed 0.276. By considering the two Tax Lots together a FAR of 0.276 is much less than 1.19 and as such would not be a substantial variance.

The Rear Yard requirement is 45 feet and 0 feet is existing and proposed with this application. Again by considering the two tax lots together the proposed

Rear Yard setback would then be 91.5 feet more than conforming to the Ordinance.

A large percentage of residences along Tweed have asked for and received variances mostly for front yard set back and height. The Front Yard Setback requirement is 40 feet and height requirement is 9 inches/1 foot. It should be noted that in the case of the Orangetown Tax Lot a 40 foot Front Yard Setback line would be located mostly in the Village of Piermont.

The following information, that was obtained from the Office of Building, Zoning and Planning, shows some (but not limited to) representative properties located on Tweed Boulevard as examples of properties that have, over the years, received similar Variances to those sought by the Hyun's.

Property Number	Variance Granted	Existing ROW Width	Distance from Center Line of Tweed ROW to Exist. Structure
21	0' Front Yd 216"/0' Hgt	60'	30'
25	2' Front Yd	60'	32'
27	2' Front Yd	60'	32'
31	15.4' Front Yd	60'	45.4'
49	5.1' Front Yd	50'	30.1'
65	13.8' Front Yd	60'	43.8'
119	2.2' Front Yd	60'	32.2'
123	10' Front Yd	60'	40'

Compared to the proposed Addition and Alteration to the Hyun Residence:

161	1.7' Front Yd 208"/1' Hgt	80'	41.7'
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Of these examples three have similar Front Yard Setbacks to what the Hyuns are requesting and one has no Front Yard at 0 feet. Six of the examples are closer to the center line of the right of way and center of the roadway than what the Hyuns are requesting. Because the proposed addition is not parallel to the property line the average proposed Front Yard Setback is slightly more than 2 feet. In considering these requirements it is important to note that the County Highway right of way at this location is 80 feet wide. As previously stated this 80 feet wide section of Tweed Boulevard affects four properties in the Town of Orangetown and represents approximately 4% of the length of Tweed Boulevard which for almost its entire length is 60 feet wide. It is not clear why this short section of Tweed is 80 feet wide but it is important to note that, as a County Road, the Rockland County Highway Department, in response to this application, ***believes the proposed action would have no significant effects on the County Road and has no objection to the Town's determination on the matter.*** If one were to apply a 60 foot wide right of way to this proposal the variances sought for Front Yard Set Back would then be 11.7' and Height 29"/1,

much less than many houses on Tweed with a 60 foot right of way. In addition the proposed Addition will be no higher in elevation than the existing house.

Factors to be taken into account in considering this application:

Will an undesirable change be produced in the character of the neighborhood or a detriment to nearby properties?

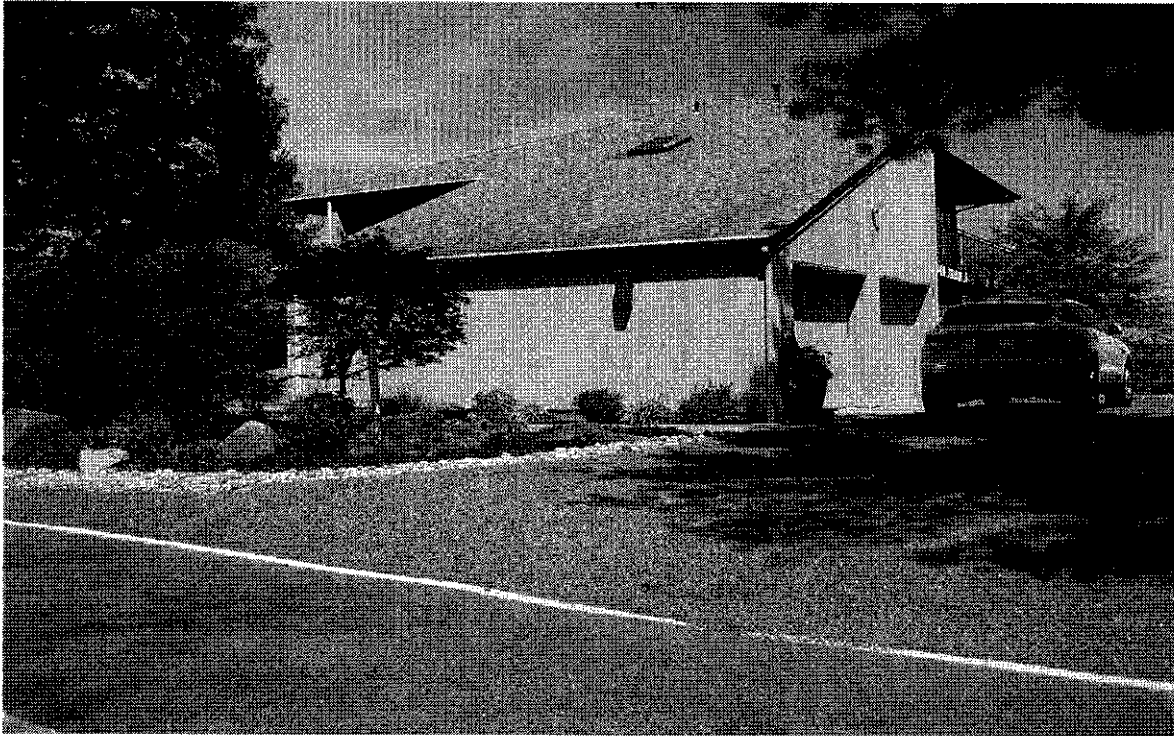
The proposed Addition and Alteration is consistent with and will not be a detriment to the surrounding properties and will be in character with the Tweed Boulevard neighborhood. The proposal will not increase density and traffic and its aesthetic impact does not set a negative precedent as it is consistent with other properties in the neighborhood.

Photographic examples of properties that have received similar variances and show the character of the Tweed Boulevard neighborhood as compared to the 161 Tweed proposal:



21 Tweed Boulevard

0 foot Front Yard Setback



**27
Tweed**

Boulevard

2 foot Front Yard Setback



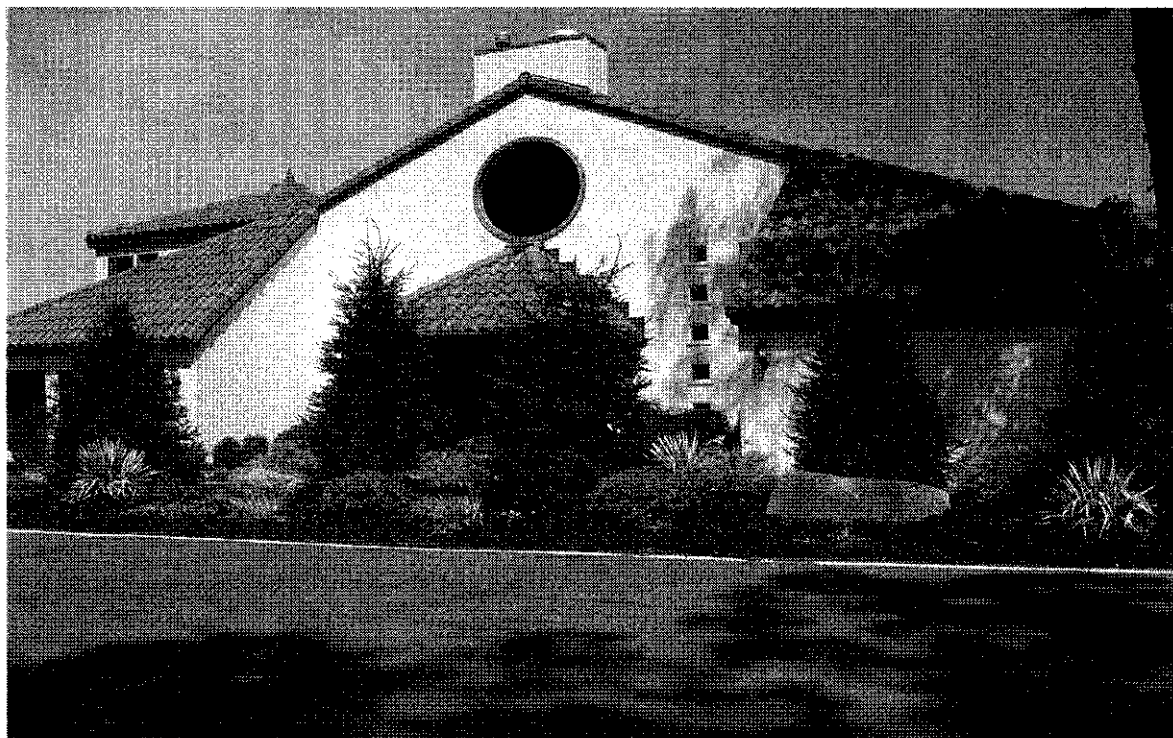
25 Tweed Boulevard

2 foot Front Yard Setback



31 Tweed Boulevard

15.4 foot Front Yard Setback



119 Tweed Boulevard

2.2 foot Front Yard Setback

161 Tweed Boulevard – Hyun Residence



West
side

South
Side
Could
the

benefit sought by the Hyun's be achieved by some method feasible for them to pursue other than an area variance?

Because of the size and configuration of the Tax Lot as well as the steepness of the site it would be impossible, in any way, to make an Addition to the existing residence without having to seek area variances from the Town of Orangetown.

In order to provide vehicular access to the proposed Addition a concrete retaining wall will be constructed to create a driveway from Tweed Boulevard to the new Garage. As is typical for Tweed Boulevard this wall will start within the County right of way. The design of the proposed Addition minimizes the scope of the driveway and retaining wall work. If the Addition were constructed farther to the East and down the steep slope the resultant retaining wall work necessary to accomplish the benefit the Hyuns seek would expand exponentially increasing the cost to a point where this project would be untenable.

The proposed Addition and Alteration is the best way to accomplish the benefit sought by the Hyun's.

Is the requested variance substantial?

The variances sought are based on a grossly undersized Orangetown Tax Lot and are in that context considered substantial. But taken in the context of both Tax Lots together forming the actual lot and compared to many other properties along Tweed Boulevard the requested variances are not substantial. As proposed the Addition and Alteration will not set an undesirable land use precedent and will not be an over utilization of the property.

Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district?

This property is located in a Critical Environmental Area both in Orangetown and Piermont. In both municipalities there is a great concern for protecting the environment including site drainage, storm water control, erosion and the protection of existing vegetation. The Addition and Alteration as designed minimizes site disturbance and the amount of additional impervious surface. This includes a significant reduction of impervious surface in the County right of way which helps to balance the additional impervious surface added due to the proposed Addition.

Is the alleged difficulty self-created?

The existing house, the small existing non-conforming Orangetown Tax Lot, the 80 foot Tweed Boulevard right of way and the steepness of the site creating a need for variances were not self-created.

In response to the comments about this application made by Douglas Schuetz Commissioner of the Rockland County Department of Planning:

1. ***The subject site is only 14% of the minimum lot area standard.***

As noted above the site is a small Tax Lot which is conjoined with a larger Tax Lot located in the Village of Piermont. If the conjoined property was totally in Orangetown it would have 61% of the minimum lot area standard.

2. **The Front Yard is 96% deficient in meeting the bulk requirement.**

As noted above other properties located along Tweed Boulevard have asked for and been granted a similar or greater variance. If the County right of way were 60 feet wide the Front Yard would be 29% deficient.

3. ***No Rear Yard is provided to the Addition when 45 feet is required.***

The 0 foot Rear Yard is an existing condition but if one considers the conjoined Tax Lots the proposed Rear Yard would be 91.5 feet.

4. ***The Building Height is 2,311% greater than what is permitted per foot from the lot line.***

As noted above other properties located along Tweed Boulevard have asked for and been granted a similar or greater height variance. (see *photographs*) If the County right of way were 60 feet wide the height would be 310% deficient.

5. ***The Floor Area Ratio exceeds the permitted standard by 495%.***

This ratio is based on the Orangetown Tax Lot but by considering the two Tax Lots together the Floor Area Ratio for this proposal would exceed the permitted standard by 69%.

6. ***Granting these bulk variances will set a precedent.***

As shown above many owners of properties located along Tweed Boulevard have asked for and received similar bulk variances. Therefore granting these variances will not set a precedent for this area of Orangetown.

7. ***An increase in the residential density in this neighborhood of non-conforming parcels will negatively affect the stability of the slope, undermine the intent of the Critical Environmental Area designation, negatively affect community character and put more stress on infrastructure capacity. Additional residents will generate more traffic on the local streets leading to congestion and traffic conflicts.***

This proposal will not increase the residential density in this neighborhood because it will not increase the number of people in the residence and it will be entirely consistent with the existing houses located along Tweed

Boulevard and consequently will not negatively affect community character.

Because there will be no change in density this project will not generate more traffic on local streets and will not put more stress on infrastructure capacity.

As noted above the construction of the Addition will minimize the amount of disturbance to the site and as such better responds to the concerns of the Critical Environmental Area and therefore will not undermine it's intent. It has been shown to the Planning Board that any storm water drainage concerns can be mitigated.

In conclusion, it has been shown that 161 Tweed Boulevard is a unique property in an area of many other unique properties. It is made up of two Tax Lots each located in different municipalities, has steep slopes and is located in a Critical Environmental Area. It has been further shown that many properties located along Tweed Boulevard have been granted variances similar to those sought by the Hyuns. They believe that the benefit they seek can be best realized by this proposal with the least disturbance to the property and in consistence with character of the neighborhood and the surrounding properties.

**PB #20-07: Hyun Site Plan
Critical Environmental Area
Preliminary Site Plan Approval Subject to Conditions
Neg. Dec.**

Permit #49477

**Town of Orangetown Planning Board Decision
June 24, 2020
Page 1 of 13**

TO: Mikyong Hyun, 139 Washington Spring Road, Palisades, New York
FROM: Orangetown Planning Board

RE: Hyun Site Plan: The application of Mikyong Hyun, owner, for Prepreliminary/ Preliminary/ Final Site Plan Review at a site located in the Critical Environmental Area. The Site is known as "Hyun 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. The Planning Board will also 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 161 Tweed Boulevard, Upper Grandview, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 75.09, Block 1, Lot 3; in the R-22 zoning district.

Heard by the Planning Board of the Town of Orangetown at meetings held **Wednesday, January 29, 2020 and a Virtual Meeting held on Wednesday, June 24, 2020**, at which time the Board made the following determination:

January 29, 2020

Mikyong Hyun, Jay Greenwell, and Michael Esmay appeared and testified for the applicant.

The Board received the following communications:

1. A Project Review Committee Report dated January 22, 2020.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, AIA, RA, Director, dated January 24, 2020.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering, (DEME) Town of Orangetown, signed by Bruce Peters, P.E., dated January 24, 2020.
4. A letter from Brooker Engineering, signed by Kenneth DeGennaro, PE, dated January 29, 2020.
5. Letters from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated January 19, 2020 and Michael Kezner, dated December 30, 2019.
6. Letters from Rockland County Department of Health, signed by Elizabeth Mello, PE, Senior Public Health Engineer, dated January 28, 2020.
7. Letters from Rockland County Highway Department, signed by Dyan Rajasingham, Engineer III, dated December 30, 2019 and January 10, 2020.

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8. A letter from Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer II, dated January 15, 2020.
9. A letter from the Town of Orangetown Zoning Board of Appeals, signed by Daniel W. Sullivan, Chairman, dated January 8, 2020.
10. Notice from Suez, signed by Bill Prehoda, dated December 31, 2019.
11. Notice from Rockland County Division of Environmental Resources, signed by Allen Beers, dated December 19, 2019.
12. A letter from the Village of Piernont, signed by Charlie Schaub, Piernont Building Inspector, dated January 17, 2020.
13. A letter from the New York State Department of Transportation, signed by Mohammed Islam, Assistant Engineer, dated January 6, 2020.
14. A Short Environmental Assessment Form, signed by Mikyong Hyun, dated November 27, 2019.
15. Project Narrative submitted by Michael Esmay.
16. Hydraulic Analysis and Stormwater Design Calculations, prepared for Hyun Site Plan by Paul Gdanski, P.E., dated January 20, 2020.
17. A copy of the Town of Orangetown Building Permit Referral signed by Rick Oliver, Building Inspector, dated October 28, 2019.
18. Survey of Property Plan prepared by Jay Greenwell, PLS, dated August 5, 2019, revised August 17, 2019.
19. Slope Category Map prepared by Jay Greenwell, PLS, dated August 5, 2019, revised August 26, 2019.
20. Architectural Plans prepared by Michael Esmay, RA., October 21, 2019, last dated December 2, 2019:
 - Drawing 1: Location Map
 - Drawing 2: Lower Level and Upper Level Plans
 - Drawing 3: South and West Elevations
 - Drawing 4: North and East Elevations

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

The Applicant requested a **CONTINUATION**.

June 24, 2020

Mikyong Hyun and Michael Esmay appeared and testified for the applicant.

The Board received the following communications:

1. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by Jane Slavin, AIA, RA, Director, dated June 18, 2020.

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2. An interdepartmental memorandum from the Department of Environmental Management and Engineering, (DEME) Town of Orangetown, signed by Bruce Peters, P.E., dated May 28, 2020.
3. A letter from Brooker Engineering, signed by Kenneth DeGennaro, PE, dated June 21, 2020.
4. Project Narrative submitted by Michael Esmay.
5. Submitted at the meeting, a Response to Additional Comments submitted by interested parties in connection with the Hyun application, prepared by Michael Esmay.
6. Survey of Property Plan prepared by Jay Greenwell, PLS, dated August 5, 2019, revised January 30, 2020.
7. Slope Category Map prepared by Jay Greenwell, PLS, dated August 5, 2019, revised August 26, 2019.
8. Architectural Plans prepared by Michael Esmay, RA., October 21, 2019:
 - Drawing 1: Location Map dated, last dated March 10, 2020
 - Drawing 2: Lower Level & Upper Level Plan, last dated December 2, 2019
 - Drawing 3: South and West Elevations, last dated December 2, 2019
 - Drawing 4: North and East Elevations, last dated December 2, 2019

The Board reviewed the plans. The hearing was 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 second by William Young and carried as follows:

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 second by Michael Mandel and carried as follows: Thomas Warren - Chairman, aye; William Young- Vice Chairman, aye; Michael Mandel, aye; Andrew Andrews, aye; Robert Dell, aye; Stephen Sweeney, absent, Michael McCrory, aye, Bruce Bond, 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.

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After having identified the relevant areas of environmental concern, namely drainage, surface water runoff, land clearing, vegetation, fauna, traffic and noise levels, and after having taken a hard look at said environmental issues, and after having deliberated regarding such concerns, and having heard from the applicant, and 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 Planning Department, Rockland County Department of Highway, New York State Department of Transportation, Rockland County Sewer District #1, Rockland County Department of Health and the Village of Piermont, and having reviewed the drawings presented by the applicant's professional consultant; a summary of the reasons supporting this determination are, and the Planning Board finds that the proposed action:

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

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On motion by Bruce Bond and second by William Young and carried as follows: Thomas Warren - Chairman, aye; William Young- Vice Chairman, aye; Michael Mandel, aye; Michael McCrory, aye; Bruce Bond, aye; Robert Dell, aye; Stephen Sweeney, absent, and Andrew Andrews, aye, the Board made a Negative Declaration pursuant to SEQRA.

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

1. The following note shall be placed on the Site Plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a meeting."
2. The following note shall be placed on the Site Plan regarding Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.
3. All outdoor construction activities, including site clearing operations if applicable, shall take place between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday. No such activities shall take place on Sunday or a legal holiday. The same criteria shall apply to indoor construction activities, except that such activities may take place between the hours of 7:00 a.m. and 10:00 p.m.
4. Hay bales shall be used in addition to the silt fence.
5. The site plan shall be revised to note that the bridge is to be removed.
6. The variances requested are substantial; of most concern is the proposed 1.7' setback from the ROW. Applicant shall consider alternate ways to achieve the desired additional space.

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7. The following variances are required:
- Front Yard required 40', existing 15.9', proposed 1.7'
 - Floor area ratio required .20, existing .52, proposed 1.19
 - Rear yard, 45' required, 0' existing, proposed 0' to new addition.
 - Height permitted 9'/1', existing 19.5'/1', proposed 208'/1'.
8. The proposed retaining walls range in height from 1 foot to 12 feet. Detailed information for the proposed retaining walls must be provided including structural details and elevations.
9. Per Chapter 2, section 2-4 (A) and 2-5B (4), the application shall be reviewed by the Town of Orangetown Architecture and Community appearance Board of Review.
10. The drainage calculations are under review by DEME. However, no actual stormwater mitigation practice has been designed yet. Also, the rainfall data used is out-of-date. For example, the 100-year storm rainfall intensity number is 9.07 inches. The calculations shall be revised using the current rainfall data and calculations shall include the proposed stormwater practice.
11. A perc test, soil borings and determination of groundwater elevation shall be administered at the proposed drywell location. These tests shall be performed **PRIOR** to this proposal receiving **Final Approval** to ensure the adequacy of the proposed design. This information shall be added to the drainage calculations. The tests shall be performed in the spring when the ground water table is typically at its highest. The applicant's engineer shall provide a copy of the field perc test results to DEME and the Building Department for review and approval.
12. Soil erosion and sediment control details shall be added to the plans.
13. All proposed grading shall be shown on the plans.
14. Profiles and details for all proposed stormwater facilities shall be added to the plans.
15. A post construction stormwater maintenance agreement shall be submitted to DEME and the Orangetown Town Attorney's Office for review and approval. Once approved, the maintenance plan shall be made part of the site plan approval and attached as an amendment or schedule to the deed for the new lot.

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16. Typical details shall be added to the drawings (pavement, curbing, etc.)

17. Drainage Review Recommendation – Brooker Engineering

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

Project Description

This is the second drainage review report for this application; the last review was dated January 29, 2020. The property is located at 161 Tweed Boulevard, which is on the east side of Tweed Boulevard. Stormwater runoff flows downhill to the east. There is an existing single family dwelling on the property in disrepair. The driveway slopes toward Tweed Boulevard and there is a bridge connecting the driveway to the home. There is a swale near the southern side of the property and a stormwater outfall from the Tweed Boulevard drainage system along the south side of the property.

There is a proposed building addition in the front of the house to replace the ramp and connect the existing house to the driveway. The driveway is being reconfigured and additional decks are proposed in the rear of the house and addition. Stormwater drywells are proposed along the south side of the house to provide stormwater runoff mitigation. The hydraulic analysis and stormwater management design provides the required volume of stormwater detention required for mitigation.

Project Comments

1. As per the January 29, 2020 report, provide the basement floor elevations for the existing building and addition.
2. As per the January 29, 2020 report, show how the stormwater runoff from the new impervious areas will be intercepted and directed to the proposed stormwater management system.
3. As the our January 29, 2020 report, show positive drainage away from the south side of the house.
4. As per the January 29, 2020 report, show how the low point at the front door created by the new sidewalk leading to the door will be drained.
5. As per the January 29, 2020 report, show the foundation drain for the basement.
6. As per the January 29, 2020 report, show the overflow from the stormwater management system and how this point source will impact the existing swale on the property.

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Continuation of Condition #17...

7. As per the January 29, 2020 report, provide construction details of the stormwater management system.
8. As per the January 29, 2020 report, provide a factor of safety in the final design of the stormwater management system.
9. The drainage calculations shall include the decks as impervious area.
10. Show the door on the south side of the building. Show proposed grading that might be required to match the grade outside the building with the door elevation.

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

- Permitting development that does comply with the applicable bulk standards can set an undesirable land use precedent and result in the overutilization of individual sites. The front yard is 96% deficient in meeting the bulk requirement. The building height is 2,311% greater than what is permitted per foot from the lot line. The floor area ratio exceeds the permitted standard by 495%. The ability of the existing infrastructure to accommodate increased residential density on undersized parcels is a countywide concern and must be evaluated. This evaluation must consider whether local roads will become more congested and the sewer system, stormwater management systems and the public water supply will be overburdened. The Town must consider the cumulative and regional impacts of permitting such development.
- The applicant must comply with the comments made by the Rockland County Highway Department in its letter of December 30, 2019.
- A review must be done by the Rockland County Department of Health to ensure compliance with the Rockland County Sanitary Code, Article XIX, Mosquito Control.
- A review must be completed by the New York-New Jersey Trail conference and any concerns addressed.
- Prior to the start of construction or grading, a soil and erosion control plan shall be developed that meets the New York State Guidelines for Urban Erosion and Sediment Control.

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Continuation of Condition #18...

- The Village of Piermont is one of the reasons this proposal was referred to Rockland County Department of Planning for review. The municipal boundary bisects the site. New York State General Municipal Law states that the purposes of Section 239-l, 239-m and 239n shall be to bring pertinent inter-community and county-wide planning, zoning, site plan and subdivision considerations to the attention of neighboring municipalities and agencies having jurisdiction. Such review may include inter-community and countywide considerations in respect to the compatibility of various land uses with one another; traffic generating characteristics of various land uses in relation to the effect of such traffic on other land uses and to the adequacy of existing and proposed thoroughfare facilities; and the protection of community character as regards predominant land uses, population density, and the relation between residential and nonresidential areas. In addition, Section 239-n was enacted to encourage the coordination of land use development and regulation among adjacent municipalities, and as a result development occurs in a manner which is supportive of the goals and objectives of the general area. As required under Section 239nn of the State General Municipal Law, the Village of Piermont must be given the opportunity to review the proposal and its impact on community character, traffic, water quantity and quality, drainage, stormwater runoff and sanitary sewer service. The areas of county wide concerns noted above that directly impact the Village of Piermont must be considered and satisfactory addressed, as well as any additional concerns about the proposal.
- There shall be no net increase in the peak rate of discharge from the site at all design points.
- Retaining walls that are over 4 feet in vertical height shall be designed by a licensed New York State Professional Engineer and be in compliance with the NYS Fire Prevention and Building Code. Design plans shall be signed and sealed by the licensed NYS Professional Engineer. In addition, retaining walls visible from an arterial street or highway shall be screened by vegetation or faced with wood, stone, or other earth colored materials that blend with the surrounding natural landscape.
- The Rockland County Department of Planning requests the opportunity to review any variances that may be needed to implement the proposed site plan, as required by New York State General Municipal Law, Section 239m (3)(a)(v).

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19. Rockland County Highway Department (RCHD) reviewed the submitted plans and offered the following comments:

- The applicant has provided insufficient details for the proposed retaining walls in the County's Right of Way.
- The RCHD wants to make it clear that the County has no intention to own or maintain any private load bearing structures in the County Right of Way.
- The applicant shall make sure that the existing/proposed drainage system is adequately designed to produce no net increase in the peak rate of discharge from the site at all design points.
- A road work permit shall be obtained from the RCHD prior to starting construction in the site.

20. The Rockland County Department of Health (RCDOH) reviewed the information and offered the following comment;

- If the proposal is to be amended to increase the number of bedrooms, the existing septic system will need modifications. Engineered plans will need to be submitted to RCDOH for review and approval prior to a building permit being issued. If the number of bedrooms is to remain the same, no modification of the existing system will be necessary.
- Application is to be made to the Rockland County Department of Health for review of the system for compliance with the County Mosquito Code.

21. Rockland County Sewer District #1 does not object to the plan as shown. This project does not affect any sanitary sewers within the District and no future correspondence is requested for this site.

22. The Village of Piermont Building Department requested that the applicant obtain a Piermont Building Permit application for the decks on this project which are located on the tax map in the Village of Piermont.

23. The New York State Department of Transportation (NYSDOT) reviewed the submitted information and found that the proposed project has minimal impact on the State Highway system and the NYSDOT has no additional comments at this time.

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24. The following agencies do not object to the Town of Orangetown Planning Board assuming responsibilities of lead agency for SEQRA purposes:
Town of Orangetown Zoning Board of Appeals
Rockland County Planning Department
Rockland County Department of Highway
Rockland County Department of Health
Rockland County Sewer District #1
New York State Department of Transportation
Village of Piemont

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

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

27. 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.

28. TREE PROTECTION: The following note shall be placed on the Site Plan:
The Tree Protection and Preservation Guidelines adopted pursuant to Section 21-24 of the Land Development Regulations of the Town of Orangetown will be implemented in order to protect and preserve both individual specimen trees and buffer area with many trees. Steps that will be taken to reserve and protect existing trees to remain are as follows:

- a. No construction equipment shall be parked under the tree canopy.
- b. There will be no excavation or stockpiling of earth underneath the trees.
- c. Trees designated to be preserved shall be marked conspicuously on all sides at a 5 to 10 foot height.
- d. The Tree Protection Zone for trees designated to be preserved will be established by one of the following methods:
 - One (1) foot radius from trunk per inch DBH
 - Drip line of the Tree Canopy. The method chosen should be based on providing the maximum protection zone possible. A barrier of snow fence or equal is to be placed and maintained one yard beyond the established

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Continuation of Condition #28...

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.

29. 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.

30. 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.

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

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32. 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).

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

34. 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.

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

The foregoing Resolution was made and moved by William Young, seconded by Michael Mandel and carried as follows: Thomas Warren - Chairman, aye; William Young- Vice Chairman, aye; Michael Mandel, aye; Robert Dell, aye; Michael McCrory, aye; Andrew Andrews, aye, Stephen Sweeney, absent, and Bruce Bond, 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: June 24, 2020
Cheryl Coopersmith
Chief Clerk Boards and Commissions
Attachment



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**State Environmental Quality Review Regulations
NEGATIVE DECLARATION**

Notice of Determination of Non-Significance

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

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

NAME OF ACTION: Hyun Site Plan

SEQR STATUS: Type I _____ Unlisted XXXXXX

CONDITIONED NEGATIVE DECLARATION: Yes _____ No XXXXXX

DESCRIPTION OF ACTION: Site Plan Review – Critical Environmental Area

LOCATION: The site is located at 161 Tweed Boulevard, Upper Grandview, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 75.09, Block 1, Lot 3; in the R-22 zoning district.

REASONS SUPPORTING THIS DETERMINATION:

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

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

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

For Further Information contact:

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

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

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