

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 R. Miller
Deputy Commissioner

March 20, 2020

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



Tax Data: 71.05-1-8

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

Map Date: 2/10/2020

Date Review Received: 3/5/2020

Item: *MANDELL/26 SHADYSIDE AVENUE (O-901E)*

Variances to permit the construction of a detached garage, gazebo, patio with pergola, deck, and retaining walls for an existing single-family dwelling located on 0.523 acres in the R-22 zoning district and critical environmental area. The variances required include front yard, side yard, and building height. The variances for front yard and side yard were granted on September 6, 2017, but have expired.

East side of Shadyside Avenue, Opposite the southside of Townsend Avenue

Reason for Referral:

Old Mountain Road (CR 29), US Route 9W

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:

****Recommend the following modifications***

- 1 A review must be completed by the New York State Department of Transportation, any comments or concerns addressed, and all required permits obtained.
- 2 A review must be completed by the County of Rockland Department of Highways, any concerns addressed, and all required permits obtained.
- 3 A review must be completed by the County of Rockland Department of Health, any comment or concerns addressed, and any required permits obtained.
- 4 Since the parcel is located in the FEMA zone X, the floodplain Administrator for the Town of Orangetown shall certify that the proposed construction is in compliance with the floodplain regulations of the Town and the Federal Emergency Management Agency.
- 5 A review must be completed by the New York State Department of Environmental Conservation and any required permits obtained.

MANDELL/26 SHADYSIDE AVENUE (O-901E)

- 6 The Town of Orangetown must monitor the site to ensure that the additional run-off does not result in downhill drainage issues to either the adjacent property owner or the State Highway.
- 7 Retaining walls that are over four (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.
- 8 The application materials only state the need for front yard and side yard variances. However, the bulk table on the site plan indicates a variance for building height is also required. It must be clarified if this variance is required, and the appropriate materials updated so that all materials remain consistent. If the public hearing notice was issued with the incorrect information, it must be corrected and reissued.



Douglas J. Schuetz
Acting Commissioner of Planning

cc: Supervisor Teresa Kenny, Orangetown
New York State Department of Transportation
Rockland County Department of Health
Rockland County Department of Highways
New York State Department of Environmental Conservation

Atzl, Nasher & Zigler P.C.

**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.

MANDELL/26 SHADYSIDE AVENUE (O-901E)

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Acting Commissioner of Planning

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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.
Assistant Director/Acting Executive Director

April 2, 2020

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



Re: Mandell
26 Shadyside Avenue, Upper Grandview
Tax Lot 89/71.05-1-8 (formerly 65-120-1003.12/1)

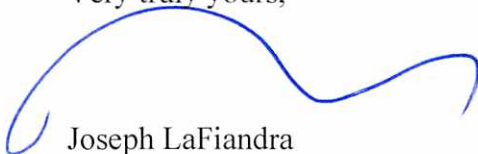
Dear Ms. Arbolino:

Our office has received and reviewed a site development plan that was last revised on February 10, 2020, which Atzl, Nasher & Zigler 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

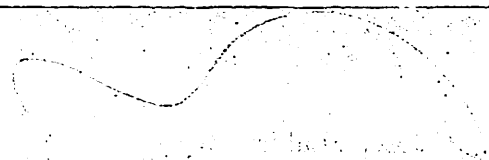
cc: M. Saber
Helen Kenny-Burrows – Rockland County Department of Planning

File: TOO 71.05-1-8 – Mandell
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Debbie Arbolino

From: Sue Yahoo <sks4695@yahoo.com>
Sent: Wednesday, June 17, 2020 4:01 PM
To: Debbie Arbolino
Subject: Eduard Mandell Application

[External Email]

I live at 24 Shadyside and this area is considered critically environmental. I have no objection to the work on the house however building the new garage concerns me due to the drainage. There is no drawing of the proposed garage and this will be located where the run off is from the Mandell driveway so this will certainly affect drainage on my property. There should be drawings of the garage as well as drainage details before this is approved. I did landscaping to improve my drainage because my property was eroding and this turned into an issue with the town so I don't understand how this is going thru. There is alot of water that drains on both of our properties from Townsend and this causes me concern. I respect the right to build however there should be drawings shown of the garage as well as how the drainage is handled for the proposed garage before this is approved please.

Sincerely,
Suzanne Silverstein





ATZL, NASHER & ZIGLER P.C.

ENGINEERS - SURVEYORS - PLANNERS

Web: www.anzny.com

June 17, 2020

Zoning Board of Appeals
Town of Orangetown
20 Greenbush Road
Orangeburg, NY 10962
Attn: Daniel Sullivan, Chairman



Re: Mandell
26 Shadyside Avenue
Nyack

Dear Mr. Sullivan,

The Bulk Requirements Table shown on the plans note the existing building height as 21 Ft, and proposed building height as 29 ft. Please note that this is a typographical error on the plans.

The only changes to the home are the addition of decks and a patio at the rear of the home. There will be no change to any of the roof lines to the home. There are no changes to the previously approved proposed garage.

The height per the Town of Orangetown Zoning Code definition is 23 feet for the existing and proposed condition. The Bulk Requirements Table will be corrected.

We apologize for any confusion this may have caused your Board and the Rockland County Planning Department.

Very truly yours,

John R. Atzl, P.L.S.