

**Meeting of December 14, 2016
Town of Orangetown Planning Board**

MEMBERS PRESENT: Kevin Garvey, Chairman; Bruce Bond, Vice Chairman
Michael Mandel; Robert Dell; Stephen Sweeney; Thomas Warren and
William Young

MEMBER ABSENT: None

ALSO PRESENT: John Giardiello, Director, Department of Building, Zoning,
Planning Administration and Enforcement; Dennis Michaels, Deputy Town
Attorney; Ann Marie Ambrose, Stenographer and Cheryl Coopersmith,
Chief Clerk

Kevin Garvey, Chairman, called the meeting to order at 7:30 p.m.
Mr. Garvey read the agenda. Hearings as listed on this meeting's agenda which
are made a part of these minutes were held as noted below:

Hayes Minor Subdivision Plan Request for Two 90 Day Extensions to File the Subdivision Plat with the Rockland County Clerk's Office 624 Western Highway, Blauvelt 70.09/3/40 & 41.2; R-15 zoning district	Granted (2) 90 Day Extensions to File	PB #16-70
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Coffey Site Plan Final Site Plan Review 363 South Middletown Road, Pearl River 63.20/1/1; LO zoning district	Final Site Plan Approval Subject to Conditions	PB #16-71
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Orlando Site Plan Replacement of Retaining Wall Plan Critical Environmental Area Prepreliminary/ Preliminary/ Final Site Plan and SEQRA Review 1150 Route 9W, Nyack 71.05/1/9; R-22 zoning district	Final Site Plan Approval Subject to Conditions/ Neg. Dec.	PB #16-72
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Maloney Subdivision Plan Prepreliminary/ Preliminary Subdivision Plan and SEQRA Review 60 Fisher Avenue, Pearl River 68.11/2/70; R-15 zoning district	Postponed to January 11, 2017 Meeting	PB #16-73
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Kolb Subaru Site Plan and Conditional Use Permit Route 303 Overlay Zone Prepreliminary/ Preliminary Site Plan and SEQRA Review 582 Route 303, Blauvelt 70.14/4/12; CC zoning district	Continued to January 25, 2017 Revise Plans	PB #16-74
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**December 14, 2016
Planning Board Meeting**

Kreiger Minor Subdivision Plan **PB #16-75**
Amendment to Final Subdivision **Approved**
Plan Approval #16-33 dated June 22, 2016 **Amendment to**
27 Sunrise Lane, Pearl River **Final Decision**
69.18/3/43; R-15 zoning district

RRIS Corp. Site Plan **PB #16-36**
Prepreliminary/ Preliminary Site Plan **Postponed**
and SEQR Review
1 Route 340, Orangeburg
74.11/2/26; CC zoning district

Brightview Senior Living Lake Tappan **PB #16-76**
Recommendation of the Value **Recommended**
and Term of the Performance Bond **to the Town Board**
to the Town Board
31 Hunt Road, Pearl River
73.15/1/10; R-80 zoning district

Continued Items from October 26, 2016 Meeting:

Bailey's Smoke House Resubdivision Plan **PB #16-65**
Final Resubdivision Plan Review **Final Approval**
132 and 136 Erie Street, Blauvelt **Subject to**
70.14/4/5 & 6; CS zoning district **Conditions**

Bailey's Smoke House Site Plan **PB #16-66**
Final Site Plan Review **Final Site Plan**
132, 136 & 140 Erie Street, Blauvelt **Approval Subject**
70.14/4/5, 6 & 7; CS zoning district **to Conditions**

The decisions of the October 26, 2016 Planning Board Meeting was reviewed, edited, and approved. The motion for adoption was made and moved by Thomas Warren and seconded by Stephen Sweeney and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, aye; Michael Mandel, aye, William Young, aye; Robert Dell, abstain; Stephen Sweeney, aye and Thomas Warren, aye.

The decisions of the November 9, 2016 Planning Board Meeting was reviewed, edited, and approved. The motion for adoption was made and moved by Stephen Sweeney and seconded by Bruce Bond and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, aye; Michael Mandel, aye, William Young, aye; Robert Dell, aye; Stephen Sweeney, aye and Thomas Warren, aye.

Since there was no further business to come before the Board, a motion to adjourn the meeting was made by Bruce Bond and seconded by Stephen Sweeney and agreed to by all in attendance. The meeting was adjourned at 9:30 p.m. The next Planning Board meeting is scheduled for January 11, 2017.

DATED: December 14, 2016

Cheryl Coopersmith,

Chief Clerk Boards and Commissions

PB #16- 70: Hayes Minor Subdivision Plan: Request for Two 90 Day Extensions to File the Subdivision Plat with the Rockland County Clerk's Office - Granted

**Town of Orangetown Planning Board Decision
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TO: William Hayes, 624 Western Highway, Blauvelt, New York
FROM: Town of Orangetown Planning Board

RE: Hayes Minor Subdivision Plan (Lot Merger): The application of William Hayes, Jr., applicant, for William Hayes Jr. and Susan Hayes, owners, for a Request for Two 90 Day Extensions to File the Subdivision Plat with the Rockland County Clerk's Office at a site to be known as "**Hayes Minor Subdivision 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 21 of the Code of the Town of Orangetown. The site is located at 624 Western Highway, Blauvelt, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 70.09, Block 3, Lots 40 & 41.2 in the R-15 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, December 14, 2016**, at which time the Board made the following determinations:

William Hayes appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated December 7, 2016.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated December 14, 2016.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated December 8, 2016.
4. A copy of PB #16-08, Final Subdivision Plan Approval Subject to Conditions, dated February 10, 2016.
5. Subdivision Plan prepared by Anthony Celentano, PLS, dated October 27, 2015, last revision date of October 15, 2016.

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

DECISION: In view of the foregoing, the Planning Board **granted Two (2) 90 Day Extensions to File the Subdivision Plat with the Rockland County Clerk's Office, with the following conditions that still need to be addressed:**

PB #16- 70: Hayes Minor Subdivision Plan: Request for Two 90 Day Extensions to File the Subdivision Plat with the Rockland County Clerk's Office - Granted

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1. The applicant still needs to comply with PB # Decision #16-08, condition 8 (ownerships for easements Liber 902-Page 20 and Liber 925-Page 616), 9, 10 (show sanitary house connection "tying into" main, and show portion of sanitary main.)

"PB #16-08

8. All existing ingress/ egress easements, covering lots 70.09-3-39 & 40 shall be given on the plan, including ownership and page & liber/ instrument number. If no cross easements exist, which allow ingress by both lots, then easements shall be created and given to the Town of Orangetown Town Attorney's Office for review and approval in content and form.

9. The applicant shall supply documentation to the Town of Orangetown Planning Board and Town Attorney's Office indication whether any of the properties to the west of this subdivision have any ingress/ egress rights over this driveway.

10. The location of the existing sanitary house connection for lot 70.09-3-41.2 shall be shown on the plan, including the sanitary main it "ties into".

2. The applicant's attached letter from McCall Abstract Corp. indicates that one of the unlabeled easements shown on the plan is to benefit the Town of Orangetown. Any and all utilities lying within that easement shall be shown on the plan. If no utilities existing in the "Town" easement, the intended purpose of the easement shall be given on the plans.

3. The applicant's engineer shall revise the plan to be slightly larger for ease of review.

The foregoing Resolution was made and moved by Bruce Bond and seconded by Stephen Sweeney and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, aye; William Young, aye; Robert Dell, aye, Michael Mandel, aye, Stephen Sweeney, aye and Thomas Warren, aye.

The Clerk of 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 this Office of the Planning Board.

Dated: December 14, 2016
Cheryl Coopersmith
Town of Orangetown Planning Board

**PB#16-71: Coffey Site Plan
Final Site Plan Approval Subject to Conditions**

Permit #45479

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TO: Bart Rodi, 234 South Grant Avenue, Congers, New York 10920
FROM: Orangetown Planning Board

RE: Coffey Site Plan: The application of Gerard Coffey, owner, for Final Site Plan Review at a site known as "**Coffey Site Plan**", for a new garage and patio 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 site is located west side of Middletown Road, approximately 900 feet north of the intersection of Townline Road, 363 South Middletown Road, Nanuet, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 63.20, Block 1, Lot 1 in the LO zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, December 14, 2016**, the Board made the following determinations:

Bart Rodi and Gerard Coffey appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated December 7, 2016.
2. Interdepartmental memorandums from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated December 14, 2016.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated December 8, 2016.
4. A letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated December 8, 2016.
5. A letter from the Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated December 6, 2016, with an attachment of a letter from the Town of Clarkstown Planning Board to the Town of Orangetown Zoning Board of Appeals, dated September 9, 2016.
6. A letter from the Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated November 15, 2016.
7. Site Plan prepared by Bart Rodi, P.E., dated June 8, 2016, revised September 28, 2016.
8. Building Permit Referral dated June 14, 2016, signed by Glen Maier, Building Inspector.

**PB#16-71: Coffey Site Plan
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9. Copies of the following Board Decisions: ACABOR #16-63; approved Subject to Conditions, dated October 20, 2016, ZBA #16-82, Lot Area, Lot Width, Street Frontage, Front Yard, Side Yard, Total Side Yard, Rear Yard and Building Height Variances Approved, dated September 21, 2016 and PB #16-50, Preliminary Site Plan Approval Subject to Conditions, dated July 27, 2016.

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

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

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

1. The following note shall be placed on the Site Plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a Pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a Meeting".
2. 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. The applicant shall comply with all pertinent and applicable conditions of all previous Board Decisions: ACABOR #16-63; approved Subject to Conditions, dated October 20, 2016, ZBA #16-82, Lot Area, Lot Width, Street Frontage, Front Yard, Side Yard, Total Side Yard, Rear Yard and Building Height Variances Approved, dated September 21, 2016 and PB #16-50, Preliminary Site Plan Approval Subject to Conditions, dated July 27, 2016.

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4. Existing and proposed grading shall be added to the plans, including datum and source benchmark with elevations.

5. The soil erosion and sediment control details shall be shown more clearly on the plan.

6. Drainage Review Recommendation

The Drainage Consultant to the Planning Board, Brooker Engineering, reviewed the information and plans submitted and held there is an overall reduction in impervious area for this application and the existing drainage pattern is being maintained. Therefore, potential significant adverse impacts with respect to increases in stormwater runoff have been mitigated and therefore recommend that the Coffey Site Plan be approved for drainage subject to the following project comments.

Project Description

This is the second drainage review report to the Planning Board for this project; the last review was dated July 22, 2016. The project consists of a new 35 feet by 40 feet detached garage to be constructed behind an existing building. The existing detached garage will be removed and the driveway will be reconfigured based on the location of the new garage. Stormwater runoff currently flows west down the driveway to a grassy area between the garage and the Pfizer parking lot; this drainage pattern will be maintained by the proposed construction. There is a net reduction of impervious area of 145 square feet.

Project Comments

1. As per the July 22, 2016 report, proposed topography shall be added to the Site Plan.
2. As per the July 22, 2016 report, a legend shall be added to the Site Plan.
3. As per the July 22, 2016 report, the proposed grading shall be shown that directs stormwater runoff around the new garage. The proposed garage finished floor elevation of 360.2 requires excavation of the existing driveway in order to provide positive drainage around the front of the garage.

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

-) A review must be completed by the County of Rockland Department of Highways and all required permits obtained.
-) As requested in the September 9, 2016 letter from the Town of Clarkstown, screening must be provided along the northern property boundary on the Clarkstown border.

8. The Rockland County Department of Health (RCDOH), Environmental Health Program reviewed the submission and found that there are no Rockland County Department of Health approvals needed for this application.

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9. 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.

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

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

- a. No construction equipment shall be parked under the tree canopy.
- b. There will be no excavation or stockpiling of earth underneath the trees.
- c. Trees designated to be preserved shall be marked conspicuously on all sides at a 5 to 10 foot height.
- d. The Tree Protection Zone for trees designated to be preserved will be established by one of the following methods:
 - One (1) foot radius from trunk per inch DBH
 - Drip line of the Tree Canopy. The method chosen should be based on providing the maximum protection zone possible. A barrier of snow fence or equal is to be placed and maintained one yard beyond the established tree protection zone. If it is agreed that the tree protection zone of a selected tree must be violated, one of the following methods must be employed to mitigate the impact:
 - Light to Heavy Impacts – Minimum of eight inches of wood chips installed in the area to be protected. Chips shall be removed upon completion of work.
 - Light Impacts Only – Installation of ¾ inch of plywood or boards, or equal over the area to be protected.

The builder or its agent may not change grade within the tree protection zone of a preserved tree unless such grade change has received final approval from the Planning Board. If the grade level is to be changed more than six (6) inches, trees designated to be preserved shall be welled and/or preserved in a raised bed, with the tree well a radius of three (3) feet larger than the tree canopy.

12. All landscaping shown on the site plans shall be maintained in a vigorous growing condition throughout the duration of the use of this site. Any plants not so maintained shall be replaced with new plants at the beginning of the next immediately following growing season.

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13. 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.

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

15. 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 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. Wetlands - U.S. Army Corps of Engineers).

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

17. 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

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

19. All of the conditions of this decision, shall be binding upon the owner of the subject property, its successors and/or assigns, including the requirement to maintain the property in accordance with the conditions of this decision and the requirement, if any, to install improvements pursuant to Town Code §21A-9. Failure to abide by the conditions of this decision as set forth herein shall be considered a violation of Site Plan Approval pursuant to Town Code §21A-4.

**PB#16-71: Coffey Site Plan
Final Site Plan Approval Subject to Conditions**

Permit #45479

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The foregoing Resolution was made and moved by Thomas Warren and seconded by William Young and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, aye; Michael Mandel aye; William Young, aye; Stephen Sweeney, aye; Robert Dell, aye and Thomas Warren, 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: December 14, 2016
Cheryl Coopersmith
Town of Orangetown Planning Board**

PB #16-72: Orlando Site Plan – Retaining Wall - Final Approval Subject to Conditions- Critical Environmental Area/ Neg. Dec.

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TO: Alex Adamo, Pro Cut Lawns, Landscaping & Contracting, Inc. 11
Pineview road, West Nyack, New York 10994
FROM: Orangetown Planning Board

RE: Orlando Site Plan: The application of Dan Orlando, owner, for a **Replacement of a Retaining Wall Plan**, at a site located in the Critical Environmental Area, for Prepreliminary/ Preliminary/ Final Site Plan Review at a site known as “**Orlando 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 site is located at 1150 Route 9W, Nyack, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 71.05, Block 1, Lot 9 in the R-22 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held, Wednesday, **December 14, 2016** at which time the Board made the following determinations:

Alex Adamo and Daniel Orlando appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated December 7, 2016.
2. An Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated December 14, 2016.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated December 8, 2016.
4. A letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated December 8, 2016.
5. A letter from the Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning dated December 6, 2016.
6. Letters from the Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated November 15, 2016.
7. A letter from the Rockland County Department of Highways, signed by Sonny Lin, P.E., dated December 14, 2016.

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8. A letter from the Rockland County Sewer District No.1, signed by Joseph LaFiandra, Engineer II, dated December 1, 2016.
9. A letter from the Town of Orangetown Zoning Board of Appeals signed by Daniel Sullivan, Chairman, dated December 7, 2016.
10. A Short Environmental Assessment Form, Part I, dated October 11, 2016, signed by Daniel Orlando and Part II, dated October 17, 2016 signed by John Atzl, PLS.
11. A copy of the Building Department Referral, dated October 14, 2016, signed by Building Inspector, Rick Oliver.
12. Site Plans prepared by Atzl, Nasher & Zigler, dated October 5, 2016:
 -) Drawing 1: Existing Condition
 -) Drawing 2: Site Development Plan
 -) Drawing 3: Erosion & Sediment Control Plan
 -) Drawing 4: Retaining Wall Plan, Profile and Details
 -) Drawing 5: Retaining Wall Plan, Profile and Details

The hearing was then opened to the Public. There being no one to be heard from the Public, a motion was made to close the Public Hearing portion of the meeting by Michael Mandel and second by Stephen Sweeney and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, aye; William Young, aye; Robert Dell, aye; Stephen Sweeney, aye; Michael Mandel, aye and Thomas Warren, aye.

The proposed action is classified as an “unlisted action” as defined by Section 617.2 (ak) of the New York State Environmental Quality Review Regulations (SEQRR). No agency, other than the Orangetown Planning Board will have any significant involvement in the review process, pursuant to Section 617.6 of SEQRA.

On motion by William Young and seconded by Michael Mandel and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, aye; William Young, aye; Robert Dell, aye; Stephen Sweeney, aye; Michael Mandel, aye and Thomas Warren, 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.

PB #16-72: Orlando Site Plan – Retaining Wall - Final Approval Subject to Conditions- Critical Environmental Area/ Neg. Dec.

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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, the applicant's professional representatives, namely Atzl, Nasher & Zigler, and having heard from the following offices, officials and/or Departments: (Town of Orangetown): Project Review Committee, 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 Sewer District No. 1, Rockland County Department of Health, Rockland County Department of Highways, 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's Comprehensive/Master Plan;
-) Will not have adverse economic or social impacts upon the Town;
-) Will not create a hazard to human health; and
-) Will not create a substantial change in the use of land, open space or recreational resources.

PB #16-72: Orlando Site Plan – Retaining Wall - Final Approval Subject to Conditions- Critical Environmental Area/ Neg. Dec.

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On motion by William Young and seconded by Michael Mandel and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, aye; William Young, aye; Robert Dell, aye; Michael Mandel, aye; Stephen Sweeney, aye and Thomas Warren, aye, the Board made a Negative Declaration pursuant to SEQRA.

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

1. The applicant shall contact the Town of Orangetown Building's Department prior to any work on the project site. In addition, 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. The "reach" proposed retaining wall geogrid (as shown on the retaining wall cross-section- drawing #4) shall be shown in the plan view on Drawing #4. All utilities shall be shown on the Site Plan.

4. Drainage Review Recommendation

The plans shows no additional impervious area is proposed and the existing drainage pattern is being maintained. Any potential significant adverse impacts with respect to stormwater runoff have been mitigated and the Planning Board's Drainage Consultant, Brooker Engineering, therefore recommends that the Orlando Site Plan be approved for drainage subject to the following comments:

PB #16-72: Orlando Site Plan – Retaining Wall - Final Approval Subject to Conditions- Critical Environmental Area/ Neg. Dec.

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Continuation of Condition #4...

This is the first drainage review report to the Planning Board for this site plan, which is located at 1150 Route 9W. The Drainage Consultant previously approved for drainage a separate retaining wall project on the site on February 22, 2016. The property is located on the west side of Route 9W and the project consists of the replacement of an existing railroad tie retaining wall in the front of the house with a block gravity retaining wall. The land slopes downhill to the east, and the retaining wall has a maximum exposed height of seven feet. The total length of the retaining wall is about 130 feet and a detailed profile of the wall is included on Drawing 4. The wall is located in a cut area, with the higher side of the retaining wall along the west (uphill) property line.

The existing drainage pattern is being maintained and no new impervious areas are proposed. Drawing 5 requires inspections and as-built certification of the retaining wall by a licensed professional engineer. Stormwater runoff from the upper hillside has been designed by the applicant's engineer to sheet flow over the retaining wall.

Project Comments

1. Show the soil stockpile location required for the excavation of the retaining wall on the Site Plan and add appropriate erosion control measures.
2. Move the underdrain outlet further away from the property line.
3. Provide a detail of the riprap outlet pad for the underdrain and show the dimensions of the Site Plan.
4. Verify the location of the underdrain outlet for the retaining wall in the rear. It does not appear to be constructed at the location near the east side of the driveway as shown on the survey. The original approved plan for the rear retaining wall showed the underdrain outlet at a riprap pad just north of the wall.
5. The survey shall be updated to show the driveway behind the house as being removed.

PB #16-72: Orlando Site Plan – Retaining Wall - Final Approval Subject to Conditions- Critical Environmental Area/ Neg. Dec.

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

-) An updated review shall be completed by New York State Department of Transportation and all required permits obtained.
-) Prior to the start of construction or grading, a soil and erosion control plan shall be developed and in place for the entire site that meets the latest edition of the New York State Guidelines for Urban Erosion and Sediment Control.

6. The Rockland County Department of Highways reviewed the submitted information and held that the proposed replacement of retaining wall plan would not have adverse effect on the adjacent county highways. The location of the parcel lies over 500 feet of county road and a RCHD Work Permit will not be required for this development.

7. The Rockland County Department of Health held that there are no Health Department approvals needed for this application.

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

9. 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.

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

- Town of Orangetown Zoning Board of Appeals
- Rockland County Department of Health
- Rockland County Sewer District No. 1
- Rockland County Department of Highways

PB #16-72: Orlando Site Plan – Retaining Wall - Final Approval Subject to Conditions- Critical Environmental Area/ Neg. Dec.

December 14, 2016

Town of Orangetown Planning Board Decision

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11. 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.

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

13. 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:

- a. No construction equipment shall be parked under the tree canopy.
- b. There will be no excavation or stockpiling of earth underneath the trees.
- c. Trees designated to be preserved shall be marked conspicuously on all sides at a 5 to 10 foot height.
- d. The Tree Protection Zone for trees designated to be preserved will be established by one of the following methods:

One (1) foot radius from trunk per inch DBH.

Drip line of the Tree Canopy. The method chosen should be based on providing the maximum protection zone possible. A barrier of snow fence or equal is to be placed and maintained one yard beyond the established tree protection zone. If it is agreed that the tree protection zone of a selected tree must be violated, one of the following methods must be employed to mitigate the impact:

Light to Heavy Impacts – Minimum of eight inches of wood chips installed in the area to be protected. Chips shall be removed upon completion of work.

Light Impacts Only – Installation of ¾ inch of plywood or boards, or equal over the area to be protected. The builder or its agent may not change grade within the tree protection zone of a preserved tree unless such grade change has received final approval from the Planning Board. If the grade level is to be changed more than six (6) inches, trees designated to be preserved shall be welled and/or preserved in a raised bed, with the tree well a radius of three (3) feet larger than the tree canopy.

PB #16-72: Orlando Site Plan – Retaining Wall - Final Approval Subject to Conditions- Critical Environmental Area/ Neg. Dec.

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Town of Orangetown Planning Board Decision

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14. 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.

15. 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.

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

17. 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 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. Wetlands - U.S. Army Corps of Engineers).

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

19. 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

PB #16-72: Orlando Site Plan – Retaining Wall - Final Approval Subject to Conditions- Critical Environmental Area/ Neg. Dec.

December 14, 2016

Town of Orangetown Planning Board Decision

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

The foregoing Resolution was made and moved by Thomas Warren and seconded by Stephen Sweeney and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, aye; William Young, aye; Michael Mandel, aye; Thomas Warren, aye; Robert Dell, aye and Stephen Sweeney, 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: December 14, 2016

Cheryl Coopersmith

Town of Orangetown Planning Board

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

**PB #16-72: Orlando Site Plan – Retaining Wall – Final Approval Subject to
Conditions- Critical Environmental Area/ Neg. Dec.**

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: Orlando Site Plan – Retaining Wall – Final Approval
Subject to Conditions- Critical Environmental Area/ Neg. Dec.**

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

DESCRIPTION OF ACTION: Site Plan – Critical Environmental Area

LOCATION: The site is located at 1150 Route 9W, Nyack, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 71.05, Block 1, Lot 9 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 development. The proposed action is consistent with the Town of Orangetown's Master Plan and will not have any adverse economic or social impacts upon the Town or its businesses or residences.

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

For Further Information contact:

John Giardiello, P.E., Director, 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

**PB #16-75: Amendment to Kreiger Minor Subdivision Plan
Approval PB #16-33, dated June 22, 2016, Subject to Conditions**

**Town of Orangetown Planning Board Decision
December 14, 2016
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TO: Donald Brenner, 4 Independence Avenue, Tappan,
New York 10901
FROM: Orangetown Planning Board

RE: Kreiger Subdivision Plan: The application of Jennifer Geoffrey, owner, (Donald Brenner, Attorney for the Applicant) for an Amendment to Final Subdivision Plan Approval PB #16-33, dated June 22, 2016, known as “**Kreiger Subdivision Plan - Amendment to Final Subdivision Plan Approval**”, 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 21 of the Code of the Town of Orangetown. The site is located at 27 Sunrise Lane, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 69.18, Block 3, Lot 43 in the R-15 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, December 14, 2016**, the Board made the following determinations:

Donald Brenner appeared and testified for the applicant.

The Board received the following communications:

1. Project Review Committee Report dated December 7, 2016.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated December 14, 2016.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., December 8, 2016.
4. Subdivision Plan prepared by Robert Sorace, PLS, dated May 6, 2016
5. A letter signed by Donald Brenner, P.E., LL.B., dated November 1, 2016.
6. Copy of Board Decisions PB#16-33, Final Subdivision Plan Approval Subject to Conditions/ Neg. Dec., dated June 22, 2016 and ZBA #16-70, Front Yard Variance for Lot # approved dated July 20, 2016.

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

Public Comment:

Paul Hraska, 37 East Naurashaun Avenue, Pearl River, raised concerns regarding the impact to the development of the property to surrounding properties and expressed concerns regarding lights shining from the site onto his property, requesting the placement of vegetative buffers along the property line.

A motion was made to close the Public Hearing portion of the meeting by Bruce Bond and second by Thomas Warren and carried as follows:
Kevin Garvey, aye, Bruce Bond, aye; Michael Mandel, aye; William Young, aye; Robert Dell, aye; Thomas Warren, aye; and Stephen Sweeney, aye.

**PB #16-75: Amendment to Kreiger Minor Subdivision Plan
Approval PB #16-33, dated June 22, 2016, Subject to Conditions**

**Town of Orangetown Planning Board Decision
December 14, 2016
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Reaffirmation of SEQRA

After having identified the relevant areas of environmental concern, namely drainage, surface water runoff, land clearing, vegetation, fauna, traffic and noise levels, and after having taken a hard look at said environmental issues, and after having deliberated regarding such concerns, and having heard from the applicant, the applicant's professional representatives, namely Robert Sorace PLS and having heard from the following offices, officials and/or Departments: (Town of Orangetown): Project Review Committee, Office of Building, Zoning, Planning Administration and Enforcement and Department of Environmental Management and Engineering; and having heard from the following involved and interested agencies: Town of Orangetown Zoning Board of Appeals, Rockland County Department of Health, Rockland County Sewer District No.1, Rockland County Highway Department, and having reviewed a proposed Subdivision plan by prepared by Robert Sorace, PLS 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's Comprehensive/Master Plan;
-) Will not have adverse economic or social impacts upon the Town;
-) Will not create a hazard to human health; and
-) Will not create a substantial change in the use of land, open space or recreational resources.

**PB #16-75: Amendment to Kreiger Minor Subdivision Plan
Approval PB #16-33, dated June 22, 2016, Subject to Conditions**

**Town of Orangetown Planning Board Decision
December 14, 2016
Page 3 of 4**

On motion by Michael Mandel and seconded by Stephen Sweeney and carried as follows: Kevin Garvey, aye, Bruce Bond, aye; Michael Mandel, aye; William Young, aye; Robert Dell, aye; Thomas Warren, aye; and Stephen Sweeney, aye; the Board reaffirmed the Negative Declaration pursuant to SEQRA.

DECISION: In view of the foregoing and the testimony before the Board, the application was **Granted the requested Amendments to the Final Subdivision Approval PB #16-33, dated June 22, 2016, Subject to the Following Conditions:**

1. The following notes shall be placed on the Estate of Lorraine C. Kreiger Minor Subdivision Map:

“Approval of this subdivision does not grant authority that the lots are capable of being improved by a single family home or other permitted uses. Any construction on either lot shall be subject to a separate Site Plan review and approval, including SEQRA all issues related to drainage, by the Town of Orangetown Planning Board. If drainage issues cannot be satisfied to the satisfaction of the Town of Orangetown Planning Board, then no construction will be permitted.” At the time of Site Plan review, the developer of Lot 2 must also apply for and file an Amended Subdivision Map which will show the proposed development of Lot 2.

2. The Board required the applicant to comply with conditions 9, 10, 12, 14 and 20 of PB #16-33 at the time of development of the Lot 1 and Lot 2 and shall return to the Planning Board for review, approval and both lots are Subject to Final Site Plan Approval by the Planning Board.

**Therefore the following conditions shall be Amended as follows:
Add this note as a “NOTE” onto the Subdivision Plan.**

9. “At the time of Site Plan Review of Lot 1 and Lot 2, the following comment shall be considered: Almost no information is shown on the drawing to verify that the second lot is buildable. The existing drainage storm drain and drainage ditch will most likely need to be relocated in order to make Lot 2 buildable. This will require a Watercourse Diversion permit from the Town of Orangetown Town Board. The grading falls off quite quickly as one goes from Sunrise Lane onto proposed Lots 1 and 2. Since the grading runs generally south through Lot 2, explain how will the runoff from the new impervious area from this lot be handled so as not to adversely impact the neighbors to the south. The sanitary house connection for the existing house runs to the existing sanitary sewer easement on proposed Lot 2, this will also impact the ability of Lot 2 to be developed.

**PB #16-75: Amendment to Kreiger Minor Subdivision Plan
Approval PB #16-33, dated June 22, 2016, Subject to Conditions**

**Town of Orangetown Planning Board Decision
December 14, 2016
Page 4 of 4**

Add this note as a “NOTE” onto the Subdivision Plan.

10. “At the time of Site Plan Review of Lot 2 by the Planning Board

A typical house footprint shall be shown for Lot 2 and an Amended Subdivision map shall be required as per note_____.”

Add this note as a “NOTE” onto the Subdivision Plan.

12. “At the time of Site Plan Review of either Lot 1 or Lot 2, the existing and proposed grading shall be shown on the Subdivision Site Plan and Amended Subdivision Map. (see Note_____.)”

Add this note as a “NOTE” onto the Subdivision Plan.

14. “At the time of Site Plan Review of either Lot 1 or Lot 2; If a watercourse division is going to be proposed in order to make Lot 2 buildable, then it shall be shown on the plans and noted that a watercourse division permit needs to be obtained from the Town Board prior to Final Approval. Drainage calculations for this division will need to be supplied, including analysis of existing and proposed flows as well as analysis of downstream impacts. These items shall be included on an Amended Subdivision Map as per note_____.”

Add this note as a “NOTE” onto the Subdivision Plan.

20. “At the time of Site Plan Review of Lot 1 and Planning Board Review;

The new driveway for proposed Lot 1 that will be required for this subdivision shall be shown on the plan, with detail. These items shall be included on an Amended Subdivision Map as per note_____.”

The foregoing Resolution was made and moved by Michael Mandel and seconded by Thomas Warren and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice-Chairman, aye; Michael Mandel, aye; William Young, aye, Stephen Sweeney, aye; Robert Dell, aye and Thomas Warren, 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: December 14, 2016

Cheryl Coopersmith

Town of Orangetown Planning Board

attachment

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

**PB #16-75: Amendment to Kreiger Minor Subdivision Plan
Approval PB #16-33, dated June 22, 2016, Subject to Conditions**

**Town of Orangetown Planning Board Decision
December 14, 2016**

Reaffirmation

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: Amendment to Kreiger Minor Subdivision Plan
Approval PB #16-33, dated June 22, 2016, Subject to Conditions**

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

**DESCRIPTION OF ACTION: Amendment to Final Subdivision Plan subject
to Conditions/ Neg. Dec.**

LOCATION: The site is located at 27 Sunrise Lane, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 69.18, Block 3, Lot 43 in the R-15 zoning district.

REASONS SUPPORTING THIS DETERMINATION:

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

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

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

For Further Information contact:

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

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

PB#16-76: Brightview Senior Living Site Plan – Recommendation to the Town Board to Establish the Value and Term of the Performance Bond

Town of Orangetown Planning Board Decision

December 14, 2016

Page 1 of 2

TO: Donald Brenner, 4 Independence Avenue, Tappan,
New York

FROM: Town of Orangetown Planning Board

RE: Brightview Senior Living Tappan Site Plan: The application of Shelter Development LLC, applicant for Hegarty Homes, owner, for a **Recommendation to Establish the Value and Term of the Performance Bond to the Orangetown Town Board at a site to be known as “Brightview Senior Living Lake Tappan 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 site is located at 31 Hunt Road, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 73.15, Block 1, Lot 10; in the R-80 zoning district.

Thomas Warren recused himself from the proceedings of the meeting.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, December 14, 2016**, at which time the Board made the following determinations:

Donald Brenner appeared and testified for the applicant.

The Board received the following communications:

1. Project Review Committee Report dated December 7, 2016.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated December 14, 2016.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated November 30, 2016.
4. A copy of the Brightview Senior Living Tappan Site Plan Decision; PB#16-14, Final Site Plan Approval Subject to Conditions, dated March 23, 2016.

The Board reviewed the submitted information. The hearing was then open to the Public.

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

RECOMMENDATION: In view of the foregoing, the Planning Board **Recommends to the Orangetown Town Board** that the value and term of the Performance Bond be in accordance with the Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated November 30, 2016.

PB#16-76: Brightview Senior Living Site Plan – Recommendation to the Town Board to Establish the Value and Term of the Performance Bond

Town of Orangetown Planning Board Decision

December 14, 2016

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The term of the Performance Bond shall not exceed two (2) years as set forth in Section 21A-10 of the Town of Orangetown Town Code, which shall be on or before December 14, 2018, and Subject to the Following Conditions:

<u>ITEM</u>	<u>COST</u>
Iron Pins	\$ 450.00
As-Built Drawings	\$ 21,600.00
Storm Drainage	\$ 6,850.00
Soil Erosion & Sediment Control	\$ 132,500.00
Sanitary Sewers	\$ 137,800.00
	<u>Sub-Total \$ 299,200.00</u>
Administrative Close-out (15% of Sub-Total)	\$ 44,880.00
	<u>Total \$ 359,040.00</u>

Inspection Fee: \$ 8,976.00

(3% of Sub Total of Bond Amount to be submitted to DEME prior to onset of construction)

The foregoing Resolution was made and moved by Michael Mandel and seconded by Bruce Bond and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, aye; Michael Mandel, aye; William Young, aye; Robert Dell, aye; Thomas Warren, recused, and Stephen Sweeney, aye.

The Clerk of the Board is hereby authorized, directed and empowered to sign this **RECOMMENDATION** and file a certified copy in the Office of the Town Clerk and this Office of the Planning Board.

Dated: December 14, 2016

Cheryl Coopersmith

Town of Orangetown Planning Board

**PB #16-65: Bailey's Smoke House Resubdivision Plan
Final Resubdivision Plan Approval
Subject to Conditions**

**Town of Orangetown Planning Board Decision
December 14, 2016
Page 1 of 11**

TO: Donald Brenner, 4 Independence Avenue, Tappan, New York, 10983
FROM: Orangetown Planning Board

RE: Bailey's Smoke House Resubdivision Plan, a continued item: The application of D.P. Bailey, LLC, owner, for Final Resubdivision Plan Review, at a site known as "**Bailey's Smoke House Resubdivision 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 21 of the Code of the Town of Orangetown. The site is located at 132 and 136 Erie Street, Blauvelt, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 70.14, Block 4, Lots 5 & 6 in the CS zoning district.

Heard by the Planning Board of the Town of Orangetown at meetings held **Wednesday, October 26 and December 14, 2016** at which time the Board made the following determinations:

Chairman Garvey recused himself from the proceedings of the meeting.

October 26, 2016

Anthony Celentano, Harry Goldstein, Dava Bailey, and Donald Brenner appeared and testified.

The Board received the following communications:

1. A Project Review Committee Report dated October 19, 2016.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated October 26, 2016.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated October 21, 2016.
4. A letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated October 25, 2016.
5. A letter from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner, dated October 18, 2016.
6. A letter from Rockland County Highway Department, signed by Sonny Lin, P.E., dated October 26, 2016.
7. A letter from Rockland County Health Department, signed by Scott McKane, P.E., dated September 29, 2016.
8. A letter from Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer II, dated September 30, 2016.

**PB #16-65: Bailey's Smoke House Resubdivision Plan
Final Resubdivision Plan Approval
Subject to Conditions**

**Town of Orangetown Planning Board Decision
December 14, 2016
Page 2 of 11**

9. A letter from 6 abutting property owners in Blauvelt, received in the Planning Board office on August 3, 2016, from the following residents:
Melanie Kershaw & Irwin Kuperberg, 3 Moison Road North;
Jackie & Edward Olsen, 12 Moison Road North;
Lisa & Michael Marucci, 20 Moison Road North;
Ethna Mullan, 17 Moison Road North;
Nikki Mulholland, 25 Moison Road North, and
Dana & Scott Sweney, 41 Moison Road North.
10. A Subdivision Plan prepared by Anthony Celentano, PLS, dated July 28, 2015, last revision date of July 18, 2016.
11. Copies of Board Decision: PB #11-49, Preliminary Resubdivision Approval Subject to Conditions, dated July 27, 2016.

The Board reviewed the plan. The meeting was then open to the Public.

Public Comment:

Michael Marucci, 20 North Moison Road, abutting neighbor to the rear of the lot, raised concerns regarding parking on Moison road. He also objected to granting the applicant outdoor dining.

Lisa Marucci, 20 North Moison Road, abutting neighbor to the rear of the lot, raised concerns regarding outdoor dining and parking on a residential street.

Melanie Kirshawl, 3 North Moison Road, referred to the Department of Environmental Management and Engineering letter dated October 21, 2016, by Bruce Peter, comment #4; relating to the gravel parking area. She expressed concerns that a gravel parking lot was not acceptable and contradicts the variance granted by the ZBA.

Edward Olson, 12, North Moison Road, raised concerns commercial activity on Moison Road. He noted that the plans do not show 3 doorways on the Moison Road side and it still shows outdoor dining.

Nikki Mulholland, 25 North Moison Road, requested clarification regarding the "50 feet from a residential area for handicap parking area".

Irwin Kuperberg, 3 Moison Road North, raised concerns regarding the potential for raised levels of noise and smells from the smoker used by the applicant.

**PB #16-65: Bailey's Smoke House Resubdivision Plan
Final Resubdivision Plan Approval
Subject to Conditions**

**Town of Orangetown Planning Board Decision
December 14, 2016
Page 3 of 11**

The applicant requested a **CONTINUATION**.

December 14, 2016

Anthony Celentano, Harry Goldstein, Dava Bailey, and Donald Brenner appeared and testified.

The Board received the following communications:

1. A Project Review Committee Report dated December 7, 2016.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated December 14, 2016.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated December 8, 2016.
4. A Subdivision Plan prepared by Anthony Celentano, PLS, dated July 28, 2015, last revision date of December 5, 2016.

The Board reviewed the plan. The meeting was then open to the Public.

Public Comment:

Edward Olson, 12, North Moison Road, raised concerns commercial activity on Moison Road. He questioned the Board if another site in the area could get approval for a similar use.

Mike Marucci, 20 North Moison Road, abutting neighbor to the rear of the lot, raised concerns regarding the discussions had at the ZBA meeting. He held that the proposed fence was intrusive on his property and believed that the Planning Board should protect the people in the neighborhood. Mr. Marucci also believed that an outdoor dining area would devalue the value the properties in the neighborhood.

Nikki Mulholland, 25 North Moison Road, expressed concerns regarding the location of the dumper on the site and believed that the property values were at risk due to possible outdoor dining at the site. She believed that Bailey's would proceed to have an illegal outdoor dining area without approval by the Town Boards.

Irwin Kuperberg, 3 Moison Road North, raised concerns regarding the smells from the smoker used by the applicant. He also expressed concerns regarding the traffic created by delivery trucks to the site on Moison Road.

**PB #16-65: Bailey's Smoke House Resubdivision Plan
Final Resubdivision Plan Approval
Subject to Conditions**

**Town of Orangetown Planning Board Decision
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There being no one to be heard from the Public, a motion was made to close the Public Hearing portion of the meeting by William Young and seconded by Thomas Warren and carried as follows: Kevin Garvey, Chairman, recused; Bruce Bond, Vice Chairman, aye; Michael Mandel, aye; William Young, aye; Robert Dell, aye; Thomas Warren, aye and Stephen Sweeney, aye.

DECISION: In view of the foregoing and the testimony before the Board, the application was **Granted Final Resubdivision 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. 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. The applicant shall comply with all pertinent and applicable previous Board Decisions: PB #11-49, Preliminary Resubdivision Approval Subject to Conditions, dated July 27, 2016.
4. Outdoor ovens are shown on the current plan for Lot #70.14-4-6 but not on the previous submission. Was this approved? Does this require Rockland County Department of Health approval?
5. The benchmark elevation shall be given on the plan.
6. The plan now states that the multiple lines that cross through the retaining wall by the handicap parking area of lot 70.14-4-5 and into lot 70.14-4-4 are contours. DEME is unclear as to how contours can be shown running through a wall. Please clarify.

**PB #16-65: Bailey's Smoke House Resubdivision Plan
Final Resubdivision Plan Approval
Subject to Conditions**

**Town of Orangetown Planning Board Decision
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7. Drainage Review Recommendation: The drainage information and proposed grading plan provided for this submission demonstrates that potential significant adverse impacts with respect to drainage can be mitigated and the Brooker Engineering, the Planning Board Drainage Consultants recommends that the D.P. Bailey, LLC Site Plan and Subdivision Plan be approved for drainage subject to the following comments:

Project Description

This is the fourth drainage review report to the Planning Board for this site plan and subdivision application; the last review was dated June 6, 2016. The subdivision consists of merging tax lots 70.14-4-6 and 70.14-4-5, which are the two western lots that contain the two buildings on the site and a new front terrace. The Site Plan consists of a building addition to connect the two existing buildings on the property. Modifications of the parking lot are also indicated as part of the site plan. The parking lot is mostly a gravel surface, and runoff flows downhill in an easterly direction toward a swale along the west side of the Consolidated Rail Corps railroad along the east property line of the site. The swale is very flat, and the direction of water flow within this swale is not clear based on the survey. There is a berm along this property line that controls how runoff leaves the parking lot and enters the swale. Stormwater calculations have been provided and a detention facility has been added. For this submission, the existing gravel parking lot uses an assumed soil ground cover for existing conditions.

The previous Site Plan had a building addition that connected the two existing buildings on the property. For this submission, the building addition is now the previously proposed connection between building and a new structure in the northwest corner of the property. Drainage provisions in this area have not been incorporated into the latest submission.

Project Comments

As per the November 3, 2015 and April 5, 2016 reports, the existing drainage west of the east building (the restaurant building) flows east towards the east building; the building addition may create a damming effect that will result in ponding. More detail is needed of the grading in this area to demonstrate that the addition will not block surface runoff on the west side of the existing building from the natural flow pattern. Proposed contours shall be added at the northwest corner of this building to show that runoff will not be directed to the property to the north. Since these comments were made as part of the previous reports, this area is now proposed to be a new building addition. Less detail in this area is provided than as per the previous plans. A grading plan that demonstrates how stormwater runoff from this area will be conveyed to the detention basin and not toward the property to the north must be prepared in revised drawings.

**PB #16-65: Bailey's Smoke House Resubdivision Plan
Final Resubdivision Plan Approval
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**Town of Orangetown Planning Board Decision
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Continuation of Condition #7...

1. As per the November 3, 2015, April 5, 2016 and June 6, 2016 reports, the survey is incomplete in the rear of two story frame dwelling. Positive drainage away from the existing buildings and proposed addition shall be shown for this area. Top and bottom of wall elevations shall be added and proposed contours shall be provided that demonstrate positive drainage around the buildings that is not directed to the property to the north. It is noted that as per the latest report, a building expansion is proposed in this area; however, drainage around the building that does not adversely impact the property to the north or the new building must be designed. Grading shall be provided at the new parking spaces on Moison Road.
2. As per the November 3, 2015, April 5, 2016 and June 6, 2016 reports, proposed spot grades at the corners of the proposed terrace shall be added and positive drainage away from the terrace shall be demonstrated. Proposed ground cover in this area where parking is being removed shall be shown.
3. As per our April 5, 2016 report, the limit of land area disturbance has been added to the plan and is listed as 0.57 acres; however, this includes just the area of new gravel parking and stormwater management facility. Areas outside the location delineated as the "area of disturbance" include parking areas and other structures to be removed. A determination shall be made by DEME if these areas should be part of the area of disturbance and if a SWPPP is required. For the most recent submission, the area of disturbance has been increased to 0.9 acres. It appears the area of disturbance is greater than 0.9 acres; supporting documentation shall be provided to support this proposed limit of disturbance.
4. As per the June 6, 2016 report, the limit of new full height curb and drop curb along Erie Street shall be added to the plan.
5. As per the June 6, 2016 report, the curve number of 74 for existing conditions off-site open space as per the curve number worksheet shall be used when calculating the composite curve number for this subarea in the hydrologic model.
6. As per the June 6, 2016 report, a detail of the trash rack shall be added to demonstrate that the openings will prevent clogging of the four inch control orifice.

**PB #16-65: Bailey's Smoke House Resubdivision Plan
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Continuation of Condition #7...

7. As per the June 6, 2016 report, a maintenance schedule for the detention basin shall be added to the Site Plan.
8. The construction details from the previous plans have been deleted from the current plan. These shall be added to an updated plan.
9. The dumpster location shall be relocated from the gravel area on the eastern property line to the area near the outdoor refrigerator and the notation to seed and grass the area would be removed from the plan in order to reduce the area of disturbance to less than one acre.

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

-) As required by the Rockland County Stream Control Act, Chapter 846, the subdivision plan must be reviewed and signed by the Chairman of the Rockland County Drainage Agency before the Rockland County Clerk will accept same for filing.
-) A review shall be completed by the New York State Department of Transportation, any concerns addressed, and any required permits obtained.
-) The subdivision plat indicates that one parking space is required per 100 sq. ft. and indicates that the parking area is 5,000 sq. Feet. The parking calculation must be based on the square footage of the total building and not on the parking area. This must be corrected, and the square footage of the building and a parking calculation provided.
-) The Bulk Table indicates that a variance for rear yard is required, and that other variances may be required for existing conditions. In addition, two other variances were required for the gravel parking lot and the outdoor dining area, which have not been listed on the plans. Have the required variances been obtained? If not, then they must be obtained prior to granting final subdivision approval. If so, the Bulk Table must be updated to indicate such, all needed variances listed, the date that the Zoning Board of Appeals granted the variances noted, and map note #15 completed.

**PB #16-65: Bailey's Smoke House Resubdivision Plan
Final Resubdivision Plan Approval
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9. Rockland County Sewer District (District) had the following comments which are incorporated herein as conditions of approval:

- 1)** The District owns and maintains sewers in two an easement on Tax Lot 70.14-4-7:
 - a)** No permanent structures may be built within the District easements.
 - b)** If any foundation work or other types of major excavation work is to be done within close proximity to the easement boundary, the District must be notified forty-eight (48) hours in advance. Shoring or other types of precautions may be needed to protect the sewer main. The property owner must also pay these expenses.
 - c)** To prevent any damages from occurring to the existing main, the District must be notified when the land within the easement is to be modified. This includes but is not limited to regrading, raising or lowering of manhole frames, or working in close proximity to sewers and manholes within the easement.
 - d)** The District office must approve any construction to be done with the District easements.

- 2)** A contractor must obtain required insurance and sign a waiver to defend, indemnify, save and hold harmless both the County of Rockland and Rockland County Sewer District No. 1 from any claims arising from work performed with its easements.

- 3)** The referenced project is located outside of Rockland County Sewer District No. 1 boundaries. If any building on this site connects to the District's sewer, then the terms and conditions for an out-of-District hookup will apply, and the District's "Commercial/ Non-residential Waste water Questionnaire" must be submitted to and approved by the District.

10. The Rockland County Department of Health (RCDOH), Environmental Health Program reviewed the submission provided the following comments:

- Application is to be made to the Rockland County Department of Health for review of the Stormwater Management system for compliance with the County Mosquito Code.

11. Rockland County Department of Highways reviewed the submission and based upon the material provided, the Rockland County Highway Department found the proposed action will have no foreseeable adverse impact upon County Roads in the area.

**PB #16-65: Bailey's Smoke House Resubdivision Plan
Final Resubdivision Plan Approval
Subject to Conditions**

**Town of Orangetown Planning Board Decision
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12. 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 §21. Failure to abide by the conditions of this decision as set forth herein shall be considered a violation of Subdivision Plan Approval pursuant to Town Code §21 and §6A.

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

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

15. TREE PROTECTION: The following note shall be placed on the Subdivision Plan:

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

- a. No construction equipment shall be parked under the tree canopy.
- b. There will be no excavation or stockpiling of earth underneath the trees.
- c. Trees designated to be preserved shall be marked conspicuously on all sides at a 5 to 10 foot height.
- d. The Tree Protection Zone for trees designated to be preserved will be established by one of the following methods:
 - One (1) foot radius from trunk per inch DBH
 - Drip line of the Tree Canopy. The method chosen should be based on providing the maximum protection zone possible. A barrier of snow fence or equal is to be placed and maintained one yard beyond the established tree protection zone. If it is agreed that the tree protection zone of a selected tree must be violated, one of the following methods must be employed to mitigate the impact:
 - Light to Heavy Impacts – Minimum of eight inches of wood chips installed in the area to be protected. Chips shall be removed upon completion of work.
 - Light Impacts Only – Installation of $\frac{3}{4}$ inch of plywood or boards, or equal over the area to be protected.

**PB #16-65: Bailey's Smoke House Resubdivision Plan
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Continuation of Condition #15...

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.

16. 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.

17. 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.

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

19. 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 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. Wetlands - U.S. Army Corps of Engineers).

**PB #16-65: Bailey's Smoke House Resubdivision Plan
Final Resubdivision Plan Approval
Subject to Conditions**

**Town of Orangetown Planning Board Decision
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20. Permanent vegetation cover of disturbed areas shall be established on the site within thirty (30) days of the completion of construction.

21. Prior (at least 14 days) to the placing of any road sub-base, the applicant shall provide the Town of Orangetown Superintendent of Highways and DEMA with a plan and profile of the graded road to be paved in order that these departments may review the drawings conformance to the approved construction plans and the Town Street Specifications

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

The foregoing Resolution was made and moved by Thomas Warren and seconded by Stephen Sweeney and carried as follows: Kevin Garvey, Chairman, recused; Bruce Bond, Vice Chairman, aye; Michael Mandel, nay; William Young, aye; Robert Dell, nay; Thomas Warren, aye and Stephen Sweeney, 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: December 14, 2016
Cheryl Coopersmith
Town of Orangetown Planning Board**

**PB #16-66: Bailey's Smoke House Site Plan
Final Site Plan Approval Subject to Conditions**

Permit #40636

**Town of Orangetown Planning Board Decision
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TO: Donald Brenner, 4 Independence Avenue, Tappan, New York 10983
FROM: Orangetown Planning Board

RE: Bailey's Smoke House Site Plan, a continued item: The application of D.P. Bailey, LLC, owner, for Final Site Plan Review, at a site known as "**Bailey's Smoke House 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 site is located at 132, 136 & 140 Erie Street, Blauvelt, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 70.14, Block 4, Lots 5, 6 & 7 in the CS zoning district.

Heard by the Planning Board of the Town of Orangetown at meetings held **Wednesday, October 26 and December 14, 2016** at which time the Board made the following determinations:

Chairman Garvey recused himself from the proceedings of the meeting.

October 26, 2016

Anthony Celentano, Harry Goldstein, Dava Bailey, and Donald Brenner appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated October 19, 2016.
2. An Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated October 26, 2016.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated October 21, 2016.
4. A letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated October 25, 2016.
5. A letter from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner, dated October 18, 2016.
6. A letter from Rockland County Highway Department, signed by Sonny Lin, P.E., dated October 26, 2016.
7. A letter from Rockland County Health Department, signed by Scott McKane, P.E., dated September 29, 2016.
8. A letter from Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer II, dated September 30, 2016.

**Town of Orangetown Planning Board Decision
October 26, 2016
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9. Site Plans for D.P. Bailey, LLC, prepared by Anthony Celentano, PLS, dated July 28, 2015, last revision date of July 28, 2016:

Sheet 1 of 2

Sheet 2 of 2

10. Architectural Plans prepared by Harry Goldstein, R.A., dated June 5, 2016:

Sheet 1: Front and Rear Elevations

Sheet 2: Left Elevation

Sheet 3: Main Floor, Foundation, Typical Wall Section

11. Subdivision Plan prepared by Anthony Celentano, PLS, dated July 28, 2015, last revision date of July 18, 2016.

12. A letter from 6 abutting property owners in Blauvelt, received in the Planning Board office on August 3, 2016, from the following residents:

Melanie Kershaw & Irwin Kuperberg, 3 Moison Road North;

Jackie & Edward Olsen, 12 Moison Road North;

Lisa & Michael Marucci, 20 Moison Road North;

Ethna Mullan, 17 Moison Road North;

Nikki Mulholland, 25 Moison Road North, and

Dana & Scott Sweney, 41 Moison Road North.

13. Copies of the following Board Decisions: PB #11-50, Preliminary Site Plan Approval Subject to Conditions, dated July 27, 2016; PB #11-49, Preliminary Resubdivision Plan Approval Subject to Conditions, dated July 27, 2016; ZBA #16-83, Variances granted for Rear Yard and Gravel Parking Area, dated September 21, 2016 and ACABOR #16-60, Approved Subject to Conditions, dated October 6, 2016.

The Board reviewed the plan. The meeting was then open to the Public.

Public Comment:

Michael Marucci, 20 North Moison Road, abutting neighbor to the rear of the lot, raised concerns regarding parking on Moison road. He also objected to granting the applicant outdoor dining.

Lisa Marucci, 20 North Moison Road, abutting neighbor to the rear of the lot, raised concerns regarding outdoor dining and parking on a residential street.

Melanie Kirshawl, 3 North Moison Road, referred to the Department of Environmental Management and Engineering letter dated October 21, 2016, by Bruce Peter, comment #4; relating to the gravel parking area. She expressed concerns that a gravel parking lot was not acceptable and contradicts the variance granted by the ZBA.

Edward Olson, 12, North Moison Road, raised concerns commercial activity on Moison Road. He noted that the plans do not show 3 doorways on the Moison Road side and it still shows outdoor dining.

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Nikki Mulholland, 25 North Moison Road, requested clarification regarding the "50 feet from a residential area for handicap parking area".

Irwin Kuperberg, 3 Moison Road North, raised concerns regarding the potential for raised levels of noise and smells from the smoker used by the applicant.

The applicant requested a CONTINUATION.

DECEMBER 14, 2016

The Board received the following communications:

1. Project Review Committee Report dated December 7, 2016.
2. An Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated December 14, 2016.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated December 8, 2016.
4. Site Plans for D.P. Bailey, LLC, prepared by Anthony Celentano, PLS, dated July 28, 2015, last revision date of December 5, 2016:
 - Sheet 1 of 6: Planimetric Plan
 - Sheet 2 of 6: Grading and Utility Plan
 - Sheet 3 of 6: Rest of Site
 - Sheet 4 of 6: Erosion Control Plan
 - Sheet 5 of 6: Area of Disturbance
 - Sheet 6 of 6: Profile and Details

The Board reviewed the plan. The meeting was then open to the Public.

Public Comment:

Edward Olson, 12, North Moison Road, raised concerns commercial activity on Moison Road. He questioned the Board if another site in the area could get approval for a similar use.

Mike Marucci, 20 North Moison Road, abutting neighbor to the rear of the lot, raised concerns regarding the discussions had at the ZBA meeting. He held that the proposed fence was intrusive on his property and believed that the Planning Board should protect the people in the neighborhood. Mr. Marucci also believed that an outdoor dining area would devalue the value the properties in the neighborhood.

**Town of Orangetown Planning Board Decision
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Nikki Mulholland, 25 North Moison Road, expressed concerns regarding the location of the dumper on the site and believed that the property values were at risk due to possible outdoor dining at the site. She believed that Bailey's would proceed to have an illegal outdoor dining area without approval by the Town Boards.

Irwin Kuperberg, 3 Moison Road North, raised concerns regarding the smells from the smoker used by the applicant. He also expressed concerns regarding the traffic created by delivery trucks to the site on Moison Road.

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

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

1. The following note shall be placed on the Site Plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a meeting."
2. The following note shall be placed on the Site Plan regarding Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.
3. The applicant shall comply with all pertinent and applicable conditions of previous Board Decisions: PB #11-50, Preliminary Site Plan Approval Subject to Conditions, dated July 27, 2016; PB #11-49, Preliminary Resubdivision Plan Approval Subject to Conditions, dated July 27, 2016; ZBA #16-83, Variances granted for Rear Yard and Gravel Parking Area, dated September 21, 2016 and ACABOR #16-60, Approved Subject to Conditions, dated October 6, 2016.

**Town of Orangetown Planning Board Decision
December 14, 2016
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- 4.** The applicant shall comply with the Town of Orangetown Architecture and Community Appearance Board of Review Conditions, ACABOR #16-60, dated October 6, 2016.
- 5.** The 8 foot high fence is acceptable as shown on the submitted plan, and shall be placed two feet from the property line.
- 6.** The Dumpster shall be fenced in with 6 foot high decorative fencing to match the beige fencing in color and type as the foot high fencing proposed for the property line.
- 7.** The drainage report supplied is under review by DEME. However, DEME disagrees with the statement in the cover letter dated 4/27/16, rev. 12/5/16, that states "DEME had made a determination the existing condition can be classified as dirt." This statement shall be removed. Therefore, the existing condition shall be restated to reflect the actual existing condition. Also, the calculations shall be revised to contain a table listing year/ storm vs elevation reached in basin for said storm vs volume of water for said storm at listed elevation.
- 8.** Drawing #5 shows the areas where disturbance will take place (AOD.) However, there are notes outside these areas that state for example "All gravel area in non-parking area to be removed and place with topsoil and grass." Also, previous submission submissions show (which were not included with the current package) plantings along the west side of lot 70.17-4-7, to act as a buffer with neighboring properties. All areas where ANY disturbance is to take place need to be included in the AOD calculation and shown on drawing #5.
- 9.** If the area of disturbance ends up totaling over 1 acre, a SWPPP, will be required. The SWPPP/ stormwater facilities would then have to treat not only water quantity but water quality as well. The design of the facilities would need to be done in full accordance with updated 2015 New York State Stormwater Management Design Manual (NYSDEC SMDM). This shall include all requirements in the SMDM for redevelopment and green infrastructure.
- 10.** It is understood that the Town of Orangetown Zoning Board of Appeals (ZBA Decision #16-83, conclusions 1, 5 and V has granted relief from requiring the proposed parking area to be paved.
- 11.** The page and liber for the Town of Orangetown sanitary sewer easement appears to be incorrect. The applicant's engineer shall confirm the page and liber.
- 12.** The fixed sediment marker provided on drawing #6 shall indicate (highlight/ mark) the elevation requiring sediment removal.
- 13.** An outlet structure detail shall be provided on the drawing.

**Town of Orangetown Planning Board Decision
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14. The applicant/ applicant's engineer may wish to consider encompassing the proposed stormwater basin with fencing (decorative or otherwise.)

15. A post construction stormwater maintenance agreement is under review by DEME, however the "boiler plate" of the document shall conform to Town standards and checklist shall be attached to said document (specifically for the stormwater basin – checklist found in the NYSDEC Stormwater Management Design Manual, Appendix G pages G1-G5 and a specific checklist for the proposed Vortclarex VCL 30 Oil/Water separator.) Also, said agreement shall include a contact person with telephone number. The document shall be submitted to DEME and the Town of Orangetown Town Attorney's office for review and approval.

16. The soil Erosion and sediment control plans and details are under review by DEME. However, the SESE plan shall use the standard NYSDEC symbols for the various erosion control measures found in the details shown on drawing #4. Also, the SESC measures shall be added to the legend.

17. The applicant shall consider relocating the proposed dumpster location to be closer to the current drive/ parking areas, which will also cut down on the proposed area of disturbance. It was agreed that the dumpster location would be relocated from the gravel area on the eastern property line to the area near the outdoor refrigerator and the notation to seed and grass the area would be removed from the plan in order to reduce the area of disturbance to less than one acre.

18. The applicant is advised that the Town of Orangetown has a F.O.G. (Fat, Oil and Grease) program, which must be complied. Due to the expansion of the restaurant, the applicant is required to upgrade their grease trap(s). The applicant shall contact the Town's F.O.G. Coordinator.

19. Drainage Review Recommendation: The drainage information and proposed grading plan provided for this submission demonstrates that potential significant adverse impacts with respect to drainage can be mitigated and the Brooker Engineering, the Planning Board Drainage Consultants recommends that the D.P. Bailey, LLC Site Plan and Subdivision Plan be approved for drainage subject to the following comments:

Project Description

This is the fourth drainage review report to the Planning Board for this site plan and subdivision application; the last review was dated June 6, 2016. The subdivision consists of merging tax lots 70.14-4-6 and 70.14-4-5, which are the two western lots that contain the two buildings on the site and a new front terrace. The Site Plan consists of a building addition to connect the two existing buildings on the property. Modifications of the parking lot are also indicated as part of the site plan. The parking lot is mostly a gravel surface, and runoff flows downhill in an easterly direction toward a swale along the west side of the

Continuation of Condition #19....

Consolidated Rail Corps railroad along the east property line of the site. The swale is very flat, and the direction of water flow within this swale is not clear based on the survey. There is a berm along this property line that controls how runoff leaves the parking lot and enters the swale. Stormwater calculations have been provided and a detention facility has been added. For this submission, the existing gravel parking lot uses an assumed soil ground cover for existing conditions.

The previous Site Plan had a building addition that connected the two existing buildings on the property. For this submission, the building addition is now the previously proposed connection between building and a new structure in the northwest corner of the property. Drainage provisions in this area have not been incorporated into the latest submission.

Project Comments

1. As per the November 3, 2015 and April 5, 2016 reports, the existing drainage west of the east building (the restaurant building) flows east towards the east building; the building addition may create a damming effect that will result in ponding. More detail is needed of the grading in this area to demonstrate that the addition will not block surface runoff on the west side of the existing building from the natural flow pattern. Proposed contours shall be added at the northwest corner of this building to show that runoff will not be directed to the property to the north. Since these comments were made as part of the previous reports, this area is now proposed to be a new building addition. Less detail in this area is provided than as per the previous plans. A grading plan that demonstrates how stormwater runoff from this area will be conveyed to the detention basin and not toward the property to the north must be prepared in revised drawings.

2. As per the November 3, 2015, April 5, 2016 and June 6, 2016 reports, the survey is incomplete in the rear of two story frame dwelling. Positive drainage away from the existing buildings and proposed addition shall be shown for this area. Top and bottom of wall elevations shall be added and proposed contours shall be provided that demonstrate positive drainage around the buildings that is not directed to the property to the north. It is noted that as per the latest report, a building expansion is proposed in this area; however, drainage around the building that does not adversely impact the property to the north or the new building must be designed. Grading shall be provided at the new parking spaces on Moison Road.

Continuation of Condition #19....

3. As per the November 3, 2015, April 5, 2016 and June 6, 2016 reports, proposed spot grades at the corners of the proposed terrace shall be added and positive drainage away from the terrace shall be demonstrated. Proposed ground cover in this area where parking is being removed shall be shown.

4. As per our April 5, 2016 report, the limit of land area disturbance has been added to the plan and is listed as 0.57 acres; however, this includes just the area of new gravel parking and stormwater management facility. Areas outside the location delineated as the "area of disturbance" include parking areas and other structures to be removed. A determination shall be made by DEME if these areas should be part of the area of disturbance and if a SWPPP is required. For the most recent submission, the area of disturbance has been increased to 0.9 acres. It appears the area of disturbance is greater than 0.9 acres; supporting documentation shall be provided to support this proposed limit of disturbance.

5. As per the June 6, 2016 report, the limit of new full height curb and drop curb along Erie Street shall be added to the plan.

6. As per the June 6, 2016 report, the curve number of 74 for existing conditions off-site open space as per the curve number worksheet shall be used when calculating the composite curve number for this subarea in the hydrologic model.

7. As per the June 6, 2016 report, a detail of the trash rack shall be added to demonstrate that the openings will prevent clogging of the four inch control orifice.

8. As per the June 6, 2016 report, a maintenance schedule for the detention basin shall be added to the Site Plan.

9. The construction details from the previous plans have been deleted from the current plan. These shall be added to an updated plan.

10. The dumpster location shall be relocated from the gravel area on the eastern property line to the area near the outdoor refrigerator and the notation to seed and grass the area would be removed from the plan in order to reduce the area of disturbance to less than one acre.

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

-) A Bulk Table must be provided on the Site Plan, listing all bulk measurements. In addition, the parking calculation note provided on the subdivision plat, seems to be based upon the square footage of the parking area and not on the gross floor area of the building, as required in Section 3.11, CS District Table, Column 6, #5. The square footage of the building must be provided, and the parking calculation derived from that measurement. It must be further clarified if the proposed outdoor dining area counts towards the floor area for the parking calculation. A parking variance may need to be required if the gross floor area exceeds 5,000 square feet, which is the measurement that was used for the parking calculation on the plans.
-) Details regarding the outdoor dining area should be provided, such as the hours of operation, duration of time to be used, etc.
-) The comments in the September 30, 2016 letter from the Rockland County Sewer District #1 must be met.
-) As indicated in the September 29, 2016 letter from the Rockland County Department of Health, an application must be made to them for review of the stormwater system to ensure compliance with the County Mosquito Code.
-) It appears that the Resubdivision is only to merge Tax Lots 70.14-4-5 & 6 together. It is not clear if Tax Lot 70.14-4-7 is in the same ownership since it is owned by an LLC. If Mr. Bailey also owns this parcel, then all three parcels should be merged into one, especially since the restaurant use is reliant on this parcel for the parking needs. If this lot is no under the same ownership, then a cross easement, parking easement, map note, or some other legal means must be provided to guarantee that the parking will be available in the future for use of the restaurant.
-) A legend must be provided that clearly illustrates the meaning of the different symbols used on the Site Plan.
-) The proposed dumpster is located very far from the restaurant use. In addition, it seems to be located outside of the gravel area. How will access to the dumpster be provided? This must be clarified.
-) It must be clarified what materials will comprise the proposed walkway.
-) Additional landscaping should be provided in the front of the building on Erie Street, where the parking spaces are to be removed. This will reduce the likelihood of patrons trying to park in this area.

Continuation of Condition #20...

-) Areas that were paved or in gravel, that are no longer needed for the site, should be landscaped or seeded for a lawn, so as to reduce the amount of impervious area. These areas include: the parking area to be removed along Erie Street as noted above, the area sought of the proposed walkway, which will make the outside dining area more inviting, and any of the gravel parking area that is not to be used for parking, particularly the section east of the detention basin. No notes are provided on the Site Plan regarding the disposition of this gravel area.
-) A review shall be completed by the New York State Department of Transportation, any concerns addressed, and any required permits obtained.
-) A lighting plan shall be provided that shows fields of illumination. This plan must demonstrate that the intensity of the candle lumens is less than 0.1 at the property line
-) Prior to the start of construction or grading, a soil and erosion control plans shall be developed and in place for the entire site that meets the latest edition of the New York State Guidelines for Urban Erosion and Sediment Control.
-) There shall be no net increase in the peak rate of discharge from the site at all design points.
-) All proposed signage shall be indicated on the Site Plan and conform to the municipality's sign standards.
-) If variances have been granted, then Map Note #15 on the Site Plan must be updated to accurately reflect the date and ZBA hearing in which there were approved.

21. The Rockland County Highway Department reviewed the information received and found that the proposed action would not have foreseeable adverse impact to county roads in the area.

22. The Rockland County Department of Health (RCDOH), Environmental Health Program reviewed the submission provided the following comments:

- Application is to be made to the Rockland County Department of Health for review of the Stormwater Management system for compliance with the County Mosquito Code.

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23. Rockland County Sewer District (District) had the following comments which are incorporated herein as conditions of approval:

- 1)** The District owns and maintains sewers in two an easement on Tax Lot 70.14-4-7:
 - a)** No permanent structures may be built within the District easements.
 - b)** If any foundation work or other types of major excavation work is to be done within close proximity to the easement boundary, the District must be notified forty-eight (48) hours in advance. Shoring or other types of precautions may be needed to protect the sewer main. The property owner must also pay these expenses.
 - c)** To prevent any damages from occurring to the existing main, the District must be notified when the land within the easement is to be modified. This includes but is not limited to regrading, raising or lowering of manhole frames, or working in close proximity to sewers and manholes within the easement.
 - d)** The District office must approve any construction to be done with the District easements.

- 2)** A contractor must obtain required insurance and sign a waiver to defend, indemnify, save and hold harmless both the County of Rockland and Rockland County Sewer District No. 1 from any claims arising from work performed with its easements.

- 3)** The referenced project is located outside of Rockland County Sewer District No. 1 boundaries. If any building on this site connects to the District's sewer, then the terms and conditions for an out-of-District hookup will apply, and the District's "Commercial/ Non-residential Waste water Questionnaire" must be submitted to and approved by the District.

24. The Town of Orangetown Fire Prevention Bureau had the following comments regarding the Bailey's Restaurant Site Plan: These items shall be LOCATED in the building AND shall be noted on the Site Plan Drawings as "Notes".

1. A new 5,000 square foot restaurant requires an NFPA 13 Compliant sprinkler System; Maintained as per NFPA 25.
2. An NFPA 72 Compliant Fire Alarm System with an approved direct connection to Rockland 44-Control, with Amber & Red strobes as per Orangetown Code. Also, Carbon Monoxide detectors, connected to the Fire Alarm panel.

Continuation of Condition #24....

3. A UP 300 compliant Hood suppression system, a Class 1 kitchen hood with make-up air.
4. Portable Fire Extinguishers as per NFPA 10.
5. Emergency Lighting as per NEC.
6. The Bureau of Fire Prevention requires a floor usage plan and the business must apply for and maintain a Certificate of Compliance Fire Safety with the Bureau of Fire Prevention.
7. All systems, Fire Sprinkler, Fire Alarm and Hood suppression must be engineered and submitted to the Bureau of Fire Prevention prior to beginning construction.

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:

Continuation of Condition #28...

- One (1) foot radius from trunk per inch DBH
- Drip line of the Tree Canopy. The method chosen should be based on providing the maximum protection zone possible. A barrier of snow fence or equal is to be placed and maintained one yard beyond the established tree protection zone. If it is agreed that the tree protection zone of a selected tree must be violated, one of the following methods must be employed to mitigate the impact:
 - Light to Heavy Impacts – Minimum of eight inches of wood chips installed in the area to be protected. Chips shall be removed upon completion of work.
 - Light Impacts Only – Installation of $\frac{3}{4}$ 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.

**PB #16-66: Bailey's Smoke House Site Plan
Final Site Plan Approval Subject to Conditions**

Permit #40636

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32. 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 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. 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 Michael Mandel and seconded by William Young and carried as follows: Kevin Garvey, Chairman, recused; Bruce Bond, Vice Chairman, aye; Michael Mandel, aye; William Young, aye; Robert Dell, nay; Thomas Warren, aye and Stephen Sweeney, 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: December 14, 2016
Cheryl Coopersmith
Town of Orangetown Planning Board**