

**NOVEMBER 9, 2016**  
**TOWN OF ORANGETOWN PLANNING BOARD**

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

**MEMBERS ABSENT:** None

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

**Agenda Items:**

<b>Pfizer Site Plan - Emergency Generator</b> Building 222 Final Site Plan Review 401 North Middletown Road, Pearl River 68.08/1/5; LI zoning district	<b>Final Site Plan Approval Subject to Conditions</b>	<b>PB #16-67</b>
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<b>Bergson Subdivision Plan</b> Prepreliminary/ Preliminary Subdivision Plan and SEQRA Review 56 Woods Road, Palisades Palisades Historic District 78.18/1/3.1 & 3.2; R-80 zoning district	<b>CONTINUED: Revise Plans</b>	<b>PB #16-05</b>
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<b>Hawks View Estates Subdivision Plan</b> Final Subdivision Plan Review Critical Environmental Area 290 & 298 South Boulevard, Upper Grandview 71.05/1/22 & 23; R-22 zoning district	<b>Final Approval Subject to Conditions</b>	<b>PB #16-68</b>
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<b>115 New York Route 303 Site Plan</b> Prepreliminary/ Preliminary Site Plan Review 115 Route 303, Tappan 77.07/2/1; LO zoning district	<b>Postponed</b>	<b>PB #16-69</b>
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The Decisions of the above hearings, as attached hereto, although made by the Board before the conclusion of the meeting are not deemed accepted and adopted by the Board until adopted by a formal motion for adoption of such minutes by the Board. Following such approval and adoption by the Board, the Decisions are mailed to the applicant. The verbatim transactions are not transcribed, but are available.

Since there was no further business to come before the Board, a motion to adjourn the meeting was made by Thomas Warren and seconded by Bruce Bond and agreed to by all in attendance. The meeting was adjourned at 8:45 p.m. The next Planning Board meeting is scheduled for December 14, 2016.

**DATED: November 9, 2016**  
**Cheryl Coopersmith**  
**Chief Clerk Boards and Commissions**

**PB #16-67: Pfizer Building 222 Emergency  
Generator Site Plan  
Final Site Plan Approval  
Subject to Conditions/ Neg. Dec.**

**Permit #45525**

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TO: Donn McMullen, 401 North Middletown Road, Pearl River,  
New York  
FROM: Orangetown Planning Board

RE: Pfizer Building 222 Emergency Generator Site Plan: The application of Donn McMullen of Pfizer, applicant, for Pfizer, Inc. owner, for Final Site Plan Review at a site to be known as “**Pfizer Building 222 Emergency Generator 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 401 North Middletown Road, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 68.08, Block 1, Lot 5; in the LI zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **November 9, 2016** at which time the Board made the following determinations:

Donn McMullen and J. Michael Petry appeared and testified for the applicant  
The Board received the following communications:

1. Project Review Committee Report dated November 2, 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 November 9, 2016.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., November 3, 2016.
4. A letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated November 1, 2016.
5. A letter from the Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning dated October 31, 2016.
6. A letter from the Rockland County Department of Highways, signed by Sonny Lin, P.E., dated September 13, 2016.
7. A letter from the Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated October 12, 2016.
8. A letter from the Rockland County Drainage Agency, signed by Joseph LaFiandra, Engineer II, dated September 1, 2016.

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9. Plans prepared by Holtaway and Petry Engineering: Building 222 – Standby Generator System, last revision date of September 15, 2016:

- ) E-002: Electrical Site Plan, dated June 24, 2016
- ) C-001: Civil Plan and Profile, dated May 26, 2016
- ) C-002: Civil Details, dated May 26, 2016

10. A letter from Anthony Bispo, Pfizer Global Operations, dated June 9, 2016.

11. Copies of the following Board Decisions: PB #16-53, Preliminary Site Plan Approval Subject to Conditions, dated September 14, 2016, ACABOR #16-59, Approved as Presented, dated October 6, 2016 and ZBA #16-99, Performance Standards Review, dated November 2, 2016.

The Board reviewed the plans. 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 Bruce Bond and seconded by Thomas Warren 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 required minimum side yard and front yard setbacks are 50 feet. The proposed generator is shown having a 22'-3" side yard and a 48'-2" front yard therefore variances from the Town of Orangetown Zoning Board of Appeals need to be sought. This Final Approval is conditioned upon the applicant obtaining the needed Zoning Variances.

**2.** 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."

**3.** 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.

**PB #16-67: Pfizer Building 222 Emergency  
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4. The applicant shall comply with all pertinent and applicable prior Board Decisions: PB #16-53, Preliminary Site Plan Approval Subject to Conditions, dated September 14, 2016, ACABOR #16-59, Approved as Presented, dated October 6, 2016 and ZBA #16-99, Performance Standards Review, dated November 2, 2016.
5. The new subdivision property line (between Pfizer and IRG) shall be labeled on the plan.
6. A note shall be added to the Site Plan indicating the source benchmark for the referenced datum, including the BM elevation.
7. The Drainage Consultant to the Planning Board, Brooker Engineering reviewed the application and found the application can mitigate against potential significant adverse impacts with respect to increases in stormwater runoff when combined with the drainage work at the Building 222 addition and therefore recommends that the Pfizer, Inc. Site Plan for Building 222 Emergency Generator project be approved for drainage subject to the following comments:

#### **Project Description**

This is the second drainage review report to the Planning Board for this project; the last report was dated September 12, 2016. The consultant previously approved for drainage subject to no conditions in its letter dated July 4, 2016 a building expansion project at Building 222. This approved project is located just north of the proposed emergency generator work. For the approved application, three ten feet diameter, five feet deep drywells were proposed to provide stormwater detention. This project proposes a 14' x 44' concrete pad (616 SF) for an emergency generator. Stormwater runoff flows off the pad to a grassy area and then enters the road system. No mitigation or drainage calculations have been provided for this work. Drainage then flows to the same point of interest in the Building 222 addition project.

#### **Project Comments**

1. Label the dimensions of the concrete pad.
2. Coordinate with the plans the previously approved drainage project at Building 222. Update the drainage calculations as necessary. Alternately additional stormwater mitigation can be provided for the new impervious area associated with this project.
3. Add a Drawing List to Drawing C-100 that lists all drawings and the last revised date of each drawing.

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

- ) A review shall be completed by the New York State Department of Transportation, and any concerns addressed and required permits obtained.
- ) A review shall be completed by the Rockland County Drainage Agency, and any required permits obtained.
- ) The applicant must obtain any necessary permits from the New York State Department of Environmental Conservation's Division of Air Resources for the proposed generator.

**9.** The Rockland County Department of Highway (RCDH) reviewed the proposed action and based upon the plans and information, the proposed installation to locate a new emergency electrical power generator in an enclosure Southwest of Building 222 to support Building 222 is found to have minimum impact on the county road. The proposed installation is more than 500 feet from the closest county road, Rockland County Highway Department work permit will not be required for the proposed development.

**10.** Based on the information provided, there are no Rockland County Department of Health (RCDOH) approvals needed for this application.

**11.** 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.

**12.** 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.

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

**14.** 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.

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**15. 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  $\frac{3}{4}$  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.

**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.

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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).

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 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

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, aye; Bruce Bond, Vice Chairman, aye; Michael Mandel, aye; William Young, aye; Robert Dell, aye; 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: November 9, 2016  
Cheryl Coopersmith  
Chief Clerk Boards and Commissions**

**PB #16-05: Bergson Subdivision;  
Preliminary Subdivision Plan Approval  
Subject to Conditions/ Neg. Dec.**

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TO: Jay Greenwell, PLS, 85 Lafayette Avenue, Suffern,  
New York 10901  
FROM: Orangetown Planning Board

RE: Bergson Subdivision Plan: The application of Palisades 9W LLC, applicant, Wyandanch Washington Realty LLC, owner, for Prepreliminary/ Preliminary Subdivision Plan Review at a site to be known as “**Bergson 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 and to determine the environmental significance of the application pursuant to the requirements of the New York State Environmental Quality Review Act. The site is located at 56 Woods Road, Palisades, in the Palisades Historic District, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 78.18, Block 1, Lots 3.1 & 3.2 in the R-80 zoning district.

Heard by the Planning Board of the Town of Orangetown at meetings held **Wednesday, January 27 and November 9, 2016, and .....2017,** the Board made the following determinations:

**January 27, 2016**

Jay Greenwell, Simon Bergson and Dennis Rocks appeared and testified. The Board received the following communications:

1. Project Review Committee Report dated January 20, 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 January 27, 2016.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated January 21, 2016.
4. A letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated January 20, 2016.
5. An Interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by Michael Bettmann, Chief Fire Inspector, dated January 21, 2016.
6. A letter from Rockland County Department of Planning, from Douglas Schuetz, Action Commissioner of Planning, dated January 6, 2016.
7. A letter from Rockland County Department of Highway, signed by Sonny Lin, P.E., dated January 14, 2016.
8. A letter from Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer II, dated January 15, 2016.
9. Letters from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated December 15 & 17, 2015.



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10. Letters from the New York State Department of Environmental Conservation, Division of Environmental Permits, Region 3, signed by Jean McAvoy, dated January 5 & 11, 2016.
11. A letter from the New York State Department of Transportation, signed by Akhter Shareef, dated January 15, 2016.
12. A letter from the Town of Orangetown Zoning Board of Appeals, signed by Daniel W. Sullivan, Chairman, dated January 6, 2016.
13. A copy of the Full Environmental Assessment Form signed by Jay Greenwell, PLS, dated December 30, 2015.
14. A copy of the Short Environmental Assessment Form signed by Palisades 9W, LLC, dated November 17, 2016.
15. Preliminary Hydrologic Analysis Report, prepared by Leonard Jackson Associates, dated September 11, 2015.
16. Subdivision Plan prepared by Jay Greenwell, PLS, dated October 14, 2014, last revision date of November 18, 2015:
  - Sheet 1 of 2: Subdivision of Property
  - Sheet 2 of 2: Survey
17. Engineering Plans prepared by Leonard Jackson Associates, dated September 11, 2015
  - Drawing Number 2: Grading, Drainage & Utility Plan
  - Drawing Number 3: Erosion Control Plan
  - Drawing Number 4: Construction Details
18. A copy of PB# 93-78; Final approval Subject to Conditions, Biaggi Subdivision Plan, dated September 29, 1993.

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

**Public Comment:**

Leo Keegan, 20 Woods Road, expressed concerns regarding the development of the property. He believed that the site was extremely wet and any development would be of great consequence to the area and negatively impact the neighborhood. Mr. Keegan recalled a legal covenant on the Biaggi subdivision against further subdivision and for the Planning Board to act cautiously.

The applicant requested a **CONTINUATION**.

**November 9, 2016**

Jay Greenwell, Simon Bergson and Dennis Rocks appeared and testified. The Board received the following communications:

1. Project Review Committee Report dated November 2, 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 November 9, 2016.

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3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., November 4, 2016.
4. A letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated November ..., 2016.
5. Subdivision Plan prepared by Jay Greenwell, PLS, dated October 14, 2014, last revision date of August 18, 2016:
  - Sheet 1 of 2: Subdivision of Property
  - Sheet 2 of 2: Survey
6. Engineering Plans prepared by Leonard Jackson Associates, dated September 11, 2015
  - Drawing Number 2: Grading, Drainage & Utility Plan
  - Drawing Number 3: Erosion Control Plan
  - Drawing Number 4: Construction Details
7. Drainage Report, prepared by Leonard Jackson Associates, dated September 11, 2015, revision date of September 30, 2016.
8. A copy of a letter from Nirali Dharani, Leonard Jackson Associates to Bruce Peters, P.E., Town of Orangetown, dated October 6, 2016, with an attachment of Vicinity Map.
9. A copy of a letter from Nirali Dharani, Leonard Jackson Associates to Kenneth DeGennaro, Brooker Engineering, dated October 6, 2016.
10. An email dated January 29, 2016 from Jay Greenwell with the following attachments:
  - ) Historic Areas Board of Review Decision #91-45
  - ) Memo to Planning Board from Charlie Zimmermann
  - ) Letter from Jay Greenwell dated September 22, 1993
  - ) Planning Board Decision #93-78
  - ) Restrictive Covenant, filed at Rockland County Clerk
  - ) Cut of Biaggi Subdivision Plan

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

**PUBLIC COMMENT:**

Leo Keegen, 20 Woods Road, Palisades; an abutting property owner; raised concerns regarding the drainage of the site, noting that the property is totally wet and difficult to build on. He was concerned with surface and the ground water table. Mr. Keegen also held that the applicant is proposing a five lot subdivision with smaller buildings, however there is nothing preventing the construction of larger homes on the site.

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Jeff Sandhouse, 1 Route 9W, Palisades, raised concerns regarding the increase in wetlands since he bought his property in the 1970's. He doesn't want to be adversely impacted by the proposed development.

The applicant requested a **CONTINUATION**.

....., **2017**

*Jay Greenwell, Simon Bergson and Dennis Rocks appeared and testified.*

*The Board received the following communications:*

- 1. Project Review Committee Report dated November 2, 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 November 9, 2016.*
- 3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., November 4, 2016.*
- 4. A letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated November ..., 2016.*
- 5. Subdivision Plan prepared by Jay Greenwell, PLS, dated October 14, 2014, last revision date of August 18, 2016:  
Sheet 1 of 2: Subdivision of Property  
Sheet 2 of 2: Survey*
- 6. Engineering Plans prepared by Leonard Jackson Associates, dated September 11, 2015  
Drawing Number 2: Grading, Drainage & Utility Plan  
Drawing Number 3: Erosion Control Plan  
Drawing Number 4: Construction Details*
- 7. Drainage Report, prepared by Leonard Jackson Associates, dated September 11, 2015, revision date of September 30, 2016.*

There being no one to be heard from the public, the Public Hearing portion of the meeting was closed.

A motion was made to close the Public Hearing portion of the meeting by William Young and second 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.

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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 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, absent; and Stephen Sweeney, aye; the Board declared itself Lead Agency.*

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

After having identified the relevant areas of environmental concern, namely drainage, surface water runoff, land clearing, vegetation, fauna, traffic and noise levels, and after having taken a hard look at said environmental issues, and after having deliberated regarding such concerns, and having heard from the applicant, the applicant’s professional representatives, namely Jay Greenwell, 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, New York State Department of Environmental Conservation, and having reviewed a proposed Subdivision plan by prepared by Jay Greenwell, PLS a summary of the reasons supporting this determination are, and the Planning Board finds, that the proposed action:

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

On motion by William Young and seconded by Bruce Bond 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 made a Negative Declaration pursuant to SEQRA.

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

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1. The following note shall be placed on the subdivision plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a Pre-construction meeting must be held with the Town of Orangetown Department of 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. On lot 4, the in ground pool will require a building permit to remove or replace it.
4. Lots 2 and 3 require a 280A waiver from the Town of Orangetown Zoning Board of Appeals. Lots 1 and 4 require a minimum street frontage of 100 feet and 50 feet and 54.99 feet are provide respectively, both requiring variances from the Town of Orangetown Zoning Board of Appeals.
5. The Full Environmental Assessment Form, (FEAF) item D2,ii, shall be answered since the existing driveway from Woods Road is to be widened across and net to wetlands.
6. Deep test pits shall be dug in the proximity of all proposed structures to determine the depth of groundwater and soil types. This shall be performed during the spring when seasonal high groundwater can be determined. A representative of the Building Department shall be present during the testing.
7. A jurisdictional determination letter shall be obtained from the Army Corp of Engineers (ACOE).
8. The applicant shall provide a tree plan indicating the trees to remain and those to be removed in connection with the prosed development of the property.
9. Site distances at both access drives shall be shown on the Subdivision Plan.

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**10.** The private drive shall be built to rural road specifications.

**11.** DEME has serious concerns about the volume of wetlands on the proposed subdivision area and the proposed improvements. Beyond the obvious impacts to the wetlands of building multiple impervious structures/ underground utilities all around them, is the probability/ possibility of the ground water table being very high in the areas outside the wetlands. If this is the case, it will impact how everything is constructed, i.e. driveways, foundations, utility trenches, underground stormwater storage systems, etc. These will all need additional design and construction features to ensure that function as designed (for example: anchoring down underground stormwater storage facilities so that they do not float when empty.) The proposed utility trenches are another concern. These underground facilities usually have stone bedding at a minimum, in the locations shown, they may be required to completely in stone, which in a high ground water situation, will provide a place for ground water to infiltrate and flow. This could lead to the possibility of infiltration into the sanitary sewer main which is unacceptable.

**12.** The revised drainage report is under review by DEME. However, it makes no mention of the ground water table and its impact on the stormwater facilities design. The applicant's engineer's letter of October 6, 2016 states that the groundwater elevations have been conservatively assumed, however, do to the large areas of wetlands, standing water and possible high ground water elevations, DEME believes that the actually ground water table shall be determined now before this application proceeds. Therefore, DEME strongly recommends that soil borings, perc tests and determination of groundwater elevations be performed at all proposed underground drainage detention systems, foundations, and at every 50 feet along the proposed sanitary sewer main layout. These tests/ investigations shall be performed in the Spring when the ground water table is typically at its highest. DEME and the Building Department shall be notified when this work is to be done so that the test tests can be witnessed. This shall be done prior to this proposal going any further or receiving any approvals to ensure that all of the work proposed can be done without interference from high ground water tables. The groundwater table shall be determined and the require provisions for it shall be added to The ground water table shall be determined and the required provisions for it shall be added to the calculations and design details. The applicant's engineer's letter also goes on to state that concrete structures "resist" buoyancy. While this is true, it is also true that concrete structures are not immune from floating.

**13.** The drainage calculations shall also be revised to describe and demonstrate the height that the groundwater may rise to during the storms analyzed in the calculations and what effect that may have on all of the proposed underground systems, foundations, utility trenches, etc.

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15. A Full SWPPP (to be submitted in a 3-ring binder) shall be submitted for this site. The SWPPP and supporting drainage calculations shall be designed in accordance with 2015 NYSDEC Stormwater Management Design Manual (NYSDEC-SMDM). Although single family home development with a disturbance of less than 5 acres does not usually require water quality treatment, DEME believes it to be necessary due to the sensitivity of the area (the large amount of wetlands that surrounds the proposed improvements).

16. More details for the proposed underground drainage facilities shall be added to the plans and SWPPP. The details shall include installation (anchoring), maintenance, inspection access, cleaning, storage volumes – corresponding elevation – corresponding storm, safety, etc.

17. No trees are depicted on the drawings and at least one of the proposed underground stormwater facilities is located in an area with a large stand of trees. A tree plan showing all proposed tree removal, shall be added to the drawings.

18. A note shall be added to the Subdivision plat, as well as each individual deed for each property, clearly stating that the proposed sanitary mains, sanitary pumping station and forced main shall be the sole responsibility of the homeowners. Also prior to the sale of any lot, the buyer for said lot shall be required to enter into a maintenance agreement for the private sanitary system for a period of at least 3 years.

19. The applicant shall purchase at least 2 spare sanitary pumps for the proposed pumping station to be warehoused by the maintenance company.

20. The applicant's engineer shall design the proposed sanitary pumping station/ sanitary system that complies fully with "10 State Standards" (i.e. 24 hour response time, spill prevention, cleanout velocity, etc.) and provide sanitary design calculations.

21. The total existing & proposed impervious areas and the total amount of disturbance for this project shall be listed on the drawings, most likely drawings #2, #3, as well as in the SWPPP. A breakdown of these totals for each lot, (preferably in table form, as was done in the revised drainage report; Page 6), shall also be given on the drawings and SWPPP.

22. A note shall be added to the plans, sheets 1A, 1B, 2 & 3) stating that if any of the proposed impervious areas for any of the lots are to be increased, new drainage calculations shall be submitted to DEME for review and approval AND new or expanded stormwater facilities may be required, as is stated in the revised drainage calculations).



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23. The proposed driveway off of Woods Roads has a lot spon, elevation 189, with no proposed stormwater collection or treatment devices shown. This shall be corrected.

24. It shall be noted on the plans and deed for lots 3 and 5 that the homeowner shall be responsible for the ponds that are on those lots.

25. A legend that complies with the NYSDEC-SMDM shall be added to the Erosion Control Plans; i.e. standard silt fence detail is not a line with the letters SF, but a line and filled in box, as shown in the NYSDEC "Blue Book", page 5A.21.

26. Profiles for the driveways showing stationing (to be shown on the plan view as well), and all proposed utilities and drainage structures along them, as well as profiles for the sanitary and storm sewer facilities shall be added to the plans.

27. Manhole frame cover with cover details (including the Words "Sanitary Sewer" and date) shall be included on the drawing.

28. A note shall be added to the Site Plan indicated the source benchmark for the referenced datum, including the BM elevation.

29. The exiting drives opposite the entrances onto Route 9W and Woods Road, shall be shown on the plans.

**Need brooker .....**

12. The Drainage Consultant to the Planning Board, Brooker Engineering reviewed the application and found the application has provided sufficient drainage design to demonstrate that potential significant adverse impacts with respect to drainage can be mitigated. The consultant therefore recommends that the .....r Subdivision be approved for drainage subject to the following comments:

***Project Description***

*This is the second drainage review report to the Planning Board for this project. The project consists of two lot subdivision in an R-15 zone at a property located on the south side of Crooked Hill Road, about 200 feet east of Center Street. There is an existing dwelling and driveway on the east side of the lot that is to remain. Stormwater runoff currently flows in a southwesterly manner through the site. There is a swale and berm along the southern property line, and runoff leaves the site near the southwest corner of the property. At the time of the Drainage Consultant's visit during a rainfall event, there was an existing ponding area at Tax Lot 68.11-3-13, which is just southwest of the southwest corner of the property. This area is downhill of the site and located where the existing swale along the current southern property line currently conveys stormwater runoff. From the last submission, an additional drywell has been added to store runoff from the existing house to remain on Lot #2. The driveways have been regraded to maintain gutterline flow along Crooked Hill Road and prevent sheet off-site sheet flow from entering the properties.*

**Project Comments**

) As per the December 9, 2014 report, test pits shall be performed to verify the soil percolation rate and the presence of groundwater. Test pits shall

note if soil mottling is present, which is an indicator of the seasonal high groundwater table. The Consultant observed standing water just off-site which may indicate poor soil percolation.

- ) As per the December 9, 2014 report, overflows from the drywells will eventually runoff to the area of off-site standing water southwest of the site. It is recommended that the factor of safety be increased with respect to the drywell design.
- ) As per the December 9, 2014 report, revise the drainage calculations to reflect the runoff from the existing driveway on Lot 2 that will enter the drywell system.
- ) As per the December 9, 2014 report, add the drywell invert information to the plan and details.
- ) As per the December 9, 2014 report, add the maintenance requirements for the drywell to the subdivision plans.

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**Continuation of Condition #12...**

- ) Additional detail is needed for the new driveway grading at existing Lot 2 to ensure runoff will not flow west past the driveway and then onto the property. Show the proposed 335 contour to help demonstrate the intended drainage pattern.
- ) The proposed rim of the drywells for the new driveway at Lot 1 will surcharge the driveway and cause ponding. It is recommended lowering the proposed rim elevation from 330.2 to below the trench drain rim of 329.5.
- ) The rim elevation for the drywells for the new house on Lot 1 of 330.5 is not consistent with the contour interval. Show that the proposed swale east of the dwelling will bypass the inlets of these drywells.
- ) Combine the "Precast 4' Drywell Detail" with the "Drywell with Surcharge Pipe for Overflow" details and label them as the new drywell for existing house on Lot 2. Show the grate flush with proposed grade and not buried.

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

A review shall be completed by the New York State Department of Transportation and all required permits obtained.

A review shall be completed by the Palisades Interstate Park Commission and any raised comments or concerns addressed.

As required by the Rockland County Stream Control Act, the subdivision map must be reviewed and approved 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 County of Rockland Department of Highways and any required permits obtained.

The comments in the December 17, 2015 letter from the Rockland Department of Health must be met.

A review shall be completed by the United States Army Corps of Engineers and all required permits obtained.

Water is a scarce resource in Rockland County; thus proper planning and phasing of this project are critical to supplying the current and future residents of the Towns, Villages, and County with an adequate supply of water. If any public water supply improvements are required, engineering plans and specification for these improvements shall be reviewed and approved by the Rockland County Department of Health prior to construction in order to ensure compliance with Article II, Drinking Water Supplies, of the Rockland County Sanitary Code and Part 5 of the New York State Sanitary Code.

All major subdivisions, i.e. those with five or more lots, must be reviewed and approved by the Rockland County Department of Health (RCDOH) prior to filing with the County Clerk. RCDOH is mandated by New York State law to ensure that such subdivision will have both an adequate and satisfactory water supply and adequate and satisfactory sewerage facilities.

For installation of a sanitary sewer system, engineering plans and specifications shall be reviewed and approved by the Rockland County Department of Health prior to construction.

It is noted that there is an existing well on new tax lot #3. However, it is not clear if this well is to remain, or is to be decommissioned. If this well, or any other wells will no longer be used following the proposed site development, a formal notation on the approved plans must specify that the wells will be decommissioned in compliance with Article II of the Rockland County Sanitary Code. Furthermore, approval must be obtained from the Rockland County Department of Health prior to initiating any decommissioning activity.

Prior to start of construction or grading, a soil and erosion control plan shall be developed that meets the latest edition of the New York State Guidelines for Urban Erosion and Sediment Control.

There shall be no net increase in stormwater runoff from the site.

A stormwater pollution prevention plan (SWPPP) was not provided. The SWPPP, if required, shall conform to the current regulations, including the New York State Stormwater Management and Design Manual (January 2015) and local ordinances.

The lot area deductions are provided for each lot in a list form. However, it is not clear what each deduction represents. To further clarify what each deduction is for, a notation shall be added indicating what each represent; i.e. wetlands, access easement, etc.

If any variances are needed to implement the proposed site plan, the Rockland County Department of Planning requests the opportunity to review the proposed variances, as required by New York State General Municipal Law, Section 239-m(3)(v).

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**14.** The Rockland County Department of Highways reviewed the plans and information and found that the layout should not have foreseeable adverse impact to existing county roads in the area. A Rockland County Highway Department permit will be required for the proposed development.

**12/17/15**

**15.** The Rockland County Department of Health (RCDOH) reviewed the plans and offered the following comments:

- ) 10 NYCRR 97.14(b)(2)(ii) of the New York Codes, Rules and Regulations lists Realty Subdivisions as a Type I Action. As such, the Short Environmental Assessment Form cannot be used for SEQRA.
- ) Formal application for Realty Subdivision approval is to be made to the Rockland County Health Department.
- ) Application is to be made to the RCDOH for a sanitary sewer extension and water main extension.
- ) Separate application is to be made to the RCDOH for review of the Stormwater Management system for compliance with the County Mosquito Code.

**16.** The Town of Orangetown Bureau of Fire Prevention had the following comment which are incorporated herein as conditions of approval: The new road has to be stabilized to support 75,000 lbs. The 2 proposed hydrants shall be SUEZ not private.

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

**17.** New York State Department of Transportation reviewed the submitted information and offered the following comment: Any work proposed within the New York State right of way requires a Highway Work Permit.

18. The New York State Department of Environmental Conservation indicated that based upon its review of the circulated documents, it appears that the project may require the following permits:

**Water Quality Certification:** Portions of this project site appears on the National Wetlands Inventory. Contact the Army Corps of Engineers (ACOE) for any permitting they might require. If this project does not need an ACOE permit or qualifies for a Nationwide permit from the ACOE, it will qualify for a Blanket Water Quality Permit from DEC, which will apply automatically. No action is required to qualify for a blanket permit. If this project needs an individual ACOE permit, then the project sponsor will need to apply for an individual Water Quality Certification from DEC.

**State-listed Species:**

DEC has reviewed the State's Master Natural Heritage records and determined that the site is located within or near record(s) of the following state-listed species:

- Atlantic sturgeon (*Acipenser oxyrinchus oxyrinchus*) Endangered.
- Short nose sturgeon (*Acipenser brevirostrum*) Endangers.

A permit is required for the incidental taking of any species identified as "endangered" or "threatened", which can include the removal of habitat. However, as review has determined that the project site does not contain sturgeon habitat, there is no expected impact on these species and no further review regarding Atlantic sturgeon or Shortnose sturgeon at this site is necessary at this time.

DEC has reviewed the States Master Natural Heritage records and determined that site is located within or near record(s) of the following state-listed species:

- Least bittern (*Ixobrychus exilis*) Threatened
- Pied-billed grebe (*Podilymbus podiceps*) Threatened

The potential impacts of the proposed project on these species shall be fully evaluated during the review of the project pursuant to SEQR. In addition, project modifications may be needed to adequately mitigate any potential impacts identified.

DEC cannot provide a definitive state on the presence or absence of any other rare or state-listed species or significant natural communities at this project site. The absence of data does not necessarily mean that rare or state-listed species, natural communities or other significant habitats do not exist on or adjacent to the proposed site. Rather, the files currently do not contain information which indicates their presence. For most sites, comprehensive field surveys have not been conducted. Depending on the nature of the project and the conditions at the project site, further information from on-site surveys or other sources may be required to fully assess impacts on biological resources.

**SPDES (State Pollutant discharge Elimination System) Stormwater Permit**

Regarding erosion/sedimentation control requirements: stormwater discharges require a SPDES Stormwater Permit from DED if they either:

Occur at industrial facilities and contain either toxic contaminants or priority pollutants, or

Result from construction projects involving the disturbance of 500 square feet or more land within the NYC Department of Environmental Protection (NYCDEP) East of Hudson Watershed or for proposed disturbance of one acre or more of land outside the NYCDEP.

Project requiring a SPDES permit may be covered by one of two Statewide General Permits or may require an individual permit. If this project requires a SPDES permit and since the project site is within an MS4 area (Municipal Separate Storm Sewer System), the SWPPP must be reviewed and accepted by the municipality and the MS4 Acceptance Form must be submitted to DEC.

It appears that this project will disturb more than one acre, requiring a SPDES stormwater Permit, and that it is within an MSR area. If this project qualifies for the General Permit, the stormwater plan must be reviewed and accepted by the municipality and the MS4 Acceptance Form must be submitted to DEC.

**Additional Comments**

The project is located within the Coastal Management Zone. If DEC has individual permits approvals for this project, the it will review it in accordance with Coastal Management Program requirements. If the SPDES stormwater general permit it the only Department permit needed for this project, then it willnot undertake Coastal Management Program review.

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

- Rockland County Department of Highway
- Rockland County Department of Health
- Rockland County Sewer District #1
- Town of Orangetown Zoning Board of Appeals
- New York State Department of Environmental Conservation
- New York State Department of Transportation

**18.** The applicant shall comply with all pertinent items in the Guide to the Preparation of Subdivision Plats prior to signing the final plans.

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

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**20.** Where a reservation of land for recreation purposes has been deemed by the Planning Board to be inadequate, Money in Lieu of Land for recreation purposes must be collected in accordance with Section 21-20 of the Land Development Regulations (\$9,000.00 for every vacant new residential lot). In addition, for every new vacant residential lot, \$80.00 will be collected for the Stream Maintenance Fund.

**21.** 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.

**22. 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.
- 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.

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

**24.** 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.

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

26. 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).

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

28. 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

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

24. The following shall be placed on the Subdivision plan as a map note:  
"Rockland County Department of Health (RCDOH) approval is limited to 5 years and shall expire 5 years from the date of the filing of the Plat in the Rockland County Clerk's office. Time extensions may be granted by the RCDOH based upon development facts and the realty subdivision regulations in effect at that time. A new plan submission may be required to obtain a time extension."

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

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: November 9, 2016**

Cheryl Coopersmith

Chief Clerk Boards and Commission<sup>Sattachment</sup>

**State Environmental Quality Review Regulations**

**NEGATIVE DECLARATION**

**Notice of Determination of Non-Significance**

**PB #16-05: Bergson Subdivision;  
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**Town of Orangetown Planning Board Decision  
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This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Regulation) of the Environmental Conservation Law.

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

**NAME OF ACTION: PB #16-05: Bergson Subdivision; Preliminary Subdivision Plan Approval Subject to Conditions/ Neg. Dec.**

SEQR STATUS: Type I \_\_\_\_\_ Unlisted XXXXXX

CONDITIONED NEGATIVE DECLARATION: Yes \_\_\_\_\_ No XXXXXX

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

LOCATION: The site is located at 56 Woods Road, Palisades, in the Palisades Historic District, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 78.18, Block 1, Lots 3.1 & 3.2 in the R-80 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 #16-68: Hawks View Estates Subdivision Plan  
Critical Environmental Area  
Final Subdivision Plan Approval Subject to Conditions**

**Town of Orangetown Planning Board Decision  
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TO: Jay Greenwell, PLS, 85 Lafayette Avenue, Suffern,  
New York 10901  
FROM: Orangetown Planning Board

RE: Hawks View Estates Subdivision Plan: The application of SMK Home Builders, Inc., owner, for Final Subdivision Review for a 4 lot Subdivision Plan **(2 new lots)** at a site to be known as “**Hawks View Estates Subdivision Plan**”, located in the Critical Environmental Area, in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21 of the Code of the Town of Orangetown. The site is located at 290 & 298 South Boulevard, Upper Grandview, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 71.05, Block 1, Lots 22 & 23, in the R-22 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, November 9, 2016**, the Board made the following determinations:

Jay Greenwell and Robert Knoebel appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated November 2, 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 November 9, 2017.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., November 3, 2016.
4. Letters from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated November 8, 2016.
5. A letter from Rockland County Department of Planning, from Douglas Schuetz, Action Commissioner of Planning, dated November 4, 2016.
6. Letters from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated September 28 and October 12, 2016.
7. Subdivision Plan prepared by Jay Greenwell, PLS, dated March 15, 2016, last revision date of October 3, 2016:
  - Sheet 1: Subdivision of Property for Hawks View Estates
  - Sheet 2: Grading, Drainage & Utility Plan with Erosion Control
  - Sheet 3: Detail Sheet
8. A letter from Gregg Pater & Associates, dated November 2, 2016.
9. A letter from Robert Knoebel, Jr., dated November 7, 2016, with attachments.

**PB #16-68: Hawks View Estates Subdivision Plan  
Critical Environmental Area  
Final Subdivision Plan Approval Subject to Conditions**

**Town of Orangetown Planning Board Decision  
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10. Copies of the following Board Decisions: ACABOR #16-55, Approved Subject to Conditions, dated September 8, 2016 and PB# 16-48, Preliminary Approval Subject to Conditions, dated July 27, 2016.

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

**Public Comment:**

Brenda Kilgore of 5 Tweed Boulevard; requested the Board to continue the item and not make a decision until a property dispute with the applicant is resolved.

There being no one else to be heard from the Public, a motion was made to close the Public Hearing portion of the meeting by Thomas Warren and second by Stephen Sweeney 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 Subdivision Plan Approval Subject to the Following Conditions:**

1. The following note shall be placed on the subdivision plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a Pre-construction meeting must be held with the Town of Orangetown Department of 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 previous applicable and pertinent Board Decisions and conditions: ACABOR #16-55, Approved Subject to Conditions, dated September 8, 2016 and PB# 16-48, Preliminary Approval Subject to Conditions, dated July 27, 2016.
4. Post construction stormwater maintenance agreement (in accordance with NYSDEC Phase II regulations) for the proposed stormwater systems shall be submitted to DEME and the Town of Orangetown Town Attorney's office for review and approval. Said agreement shall include a maintenance and management schedule, inspection check list, contact person with telephone number, yearly report to be submitted to DEME, etc.

**PB #16-68: Hawks View Estates Subdivision Plan  
Critical Environmental Area  
Final Subdivision Plan Approval Subject to Conditions**

**Town of Orangetown Planning Board Decision  
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5. Updated drainage calculations are required that reflect the actual perc rate and the design currently shown on the drawings. This shall include total volume and total impervious area that can be mitigated by the design of 3 drywells for lots 1 and 4.

6. The Drainage Consultant to the Planning Board, Brooker Engineering reviewed the application has provided sufficient information to demonstrate that potential significant adverse impacts with respect to drainage can be mitigated. The Drainage Consultant therefore recommends that the Hawks View Subdivision be approved for drainage subject to the following comments:

This is the third drainage review report for this project; the last review was dated July 27, 2015. The property is located at the northeast corner of the intersection of Tweed Boulevard, Clausland Mountain Road, and South Boulevard. There was an existing single family structure located along the middle of the site near the east property line that has been removed. There is a north/south ridge along the east property line; portions of stormwater runoff flow east to the steep slope hillside and the remainder of the stormwater runoff flows west toward Tweed Boulevard and South Boulevard. There is a low point and swale along South Boulevard in front of the property and a storm drainage pipe that conveys water west under South Boulevard.

**Review of Additional Information**

Two depression areas have been added along the driveways of Lots 2 and 3, which will assist in storing stormwater runoff from these two driveways and disconnecting runoff from these areas to the public roads. The additional storage provided at these locations is not included in the design calculations, so this approach adds a factor of safety to the design.

Eight additional drywells are provided to assist with stormwater mitigation. The locations of the drywells have been changed to approximate the existing conditions drainage pattern with no substantial change in discharge locations.

**Project Comments**

- ) As per the July 3, 2016 and July 27, 2016 drainage review reports, the drainage calculations consider stormwater runoff from the entire site; this shall be revised to show design points of interest to the east property line, to South Boulevard, and to Tweed Boulevard. No increases in stormwater runoff shall be provided at each design point of interest.

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**Continuation of Condition #6...**

- ) As per the July 3, 2016 and July 27, 2016 the drainage review reports, the drainage calculations only consider the change in runoff due to new impervious area; increases in runoff due to removal of woods and replacement with grass shall be included. For the new submission, additional drywells have been added that mitigate in the change of ground cover from woods to grass. However, runoff from these areas to not enter the drywells (only the buildings and driveways enter the drywells). The drainage calculations shall show at each point of interest how the runoff diverted to the drywells compensate for the increase in runoff from woods to grass.
- ) As per the July 27, 2016 drainage review report, the effective depth of the drywells shall be taken as the invert of the overflow pipe.
- ) As per the July 27, 2016 drainage review report, due to the proximity of the drywells to each other, the percolation rates in the drainage calculations shall be based on the perimeter of the crushed stone envelope and not the circumference around the stone of each individual drywell.
- ) As per the July 27, 2016 drainage review report, the depression areas near the driveways for Lots 2 and 3 have been made larger. Approximate dimensions of these depressions shall be added to the plan.

**7. 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, the subdivision map must be reviewed and approved by the Chairman of the Rockland County Drainage Agency before the Rockland County Clerk will accept the plan for filing.
- ) The comments in the September 28, 2016 and October 12, 2016 letter from the Rockland County Department of Health must be met.
- ) An updated review shall be completed by the County of Rockland Department of Highways and as indicated in the July 25 letter from them, and all required permits obtained.
- ) An updated review shall be completed by the County of Rockland Division of Environmental Resources and any concerns addressed.

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**Continuation of Condition #7...**

- ) An updated review shall be completed by the Palisades Interstate Park Commission and their comments or concerns addressed.
- ) Prior to any grading or construction on the site, a soil and erosion control plan shall be developed that meets the New York State Guidelines for Urban Erosion and Sediment Control.
- ) There shall be no net increase in stormwater runoff from the site.

**8.** The Rockland County Health Department (RCDOH) has approved individual sewage disposal plans submitted for review for this project dated May 16, 2016 through September 22, 2016. The Design Basis for this approval is as follows: 440 gpd based on 4 bedrooms @ 110 gpd for dwellings on each lot. This approval is subject to the following conditions:

1. THAT the proposed facilities be installed in conformity with said plans.
2. THAT RCDOH be contacted to inspect the bottom of the bed excavation and the completed project prior to when the system elements are covered over.
3. THAT individual sewage treatment systems be no longer constructed or used for household, domestic use when public facilities become available. Connection to the public sewerage system is required within one year of the system becoming available.
4. THAT plan approval is limited to 5 years. Time extensions for approval may be granted by the Rockland County Department of Health based upon facts and regulations in effect at that time. A new plan submission may be required to obtain a time extension.
5. THAT all local and state agency rules and regulations be complied with.

**9.** The following shall be placed on the Subdivision plan as a map note:  
"Rockland County Department of Health (RCDOH) approval is limited to 5 years and shall expire 5 years from the date of the filing of the Plat in the Rockland County Clerk's office. Time extensions may be granted by the RCDOH based upon development facts and the realty subdivision regulations in effect at that time. A new plan submission may be required to obtain a time extension."

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**10.** Based on the information provided, Rockland County Health Department (RCDOH) offered the following comments:

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

**11.** The applicant shall comply with all pertinent items in the Guide to the Preparation of Subdivision Plats 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 Subdivision Plan.

**13.** Where a reservation of land for recreation purposes has been deemed by the Planning Board to be inadequate, Money in Lieu of Land for recreation purposes must be collected in accordance with Section 21-20 of the Land Development Regulations (**\$9,000.00 for every vacant new residential lot – 2 new lots**). In addition, for every new vacant residential lot, \$80.00 will be collected for the Stream Maintenance Fund.

**14.** 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.

**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:

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**Continuation of Condition #15...**

- 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.

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

**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.



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**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).

**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 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

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

**23.** Before the vellum transparency or Mylar can be signed for filing with the County Clerk:

- a. Any easements, dedications or restrictive covenants are to be submitted in form satisfactory to the Town Attorney and must be approved by the Town Board for filing.
- b. Posting of bonds in amount to be determined by various departments having jurisdiction and in a form satisfactory to the Town Attorney and the Town Board.

**ROB MAGINO: PLEASE PROVIDE LANGUAGE REGARDING THIS....**

**24. In the event that the Court indicates that Lot #1 is partially owned by someone else then Lot 1 will not be a buildable lot.**

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; Michael Mandel, nay; William Young, aye, Stephen Sweeney, aye; Robert Dell, nay 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: November 9, 2016  
Cheryl Coopersmith**

**Town of Orangetown Planning Board**