

Amendment to PB #14-13
St. Thomas Aquinas Kraus Fitness Center Site Plan

Application received FINAL APPROVAL SUBJECT TO CONDITIONS/NEG.
DEC. NEC.

Replace all references of Preliminary Approval with FINAL APPROVAL.

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: April 17, 2014

Cheryl Coopersmith
Chief Clerk Boards and Commissions
Town of Orangetown Planning Board
Attachment



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**PB #14-13: St. Thomas Aquinas Kraus Fitness Center Site Plan
FINAL Site Plan Approval Subject to Conditions/ Neg. Dec.**

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TO: John Atzl, Atzl, Scatassa & Zigler, 234, North Main Street, New City, New York 10956

FROM: Orangetown Planning Board

RE: St. Thomas Aquinas College Site Plan: The application of St. Thomas Aquinas College, owner, for Preliminary/ Preliminary/ Final Site Plan Review for Kraus Fitness Center, at a site known as “**St. Thomas Aquinas College 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 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 125 Route 340, Sparkill, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 74.12, Block 1, Lot 29 & Section 74.16, Block 1, Lot 1 in the R-40 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **March 26, 2014** at which time the Board made the following determinations:

John Atzl and Joseph Donini appeared and testified.

The Board received the following communications:

1. Project Review Committee Reports dated March 19 & February 19, 2014.
2. Interdepartmental memorandums from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated March 26 & February 26, 2014.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., February 21, 2014.
4. A letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated February 18, 2014.
5. A letter from Rockland County Department of Planning, signed by Thomas B. Vanderbeek, Commissioner of Planning, dated February 19, 2014.
6. A letter from Rockland County Drainage Agency, signed by Vincent Altieri, Executive Director, dated February 14, 2014.
7. Letters from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated January 28 & 29, 2014.
8. A letter from Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer, dated February 14, 2014.

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9. A letter from the New York State Department of Transportation, signed by Mary Jo Russo, P.E., Rockland County Permit Engineer, dated February 5, 2014.
10. Letters from the New York State Department of Environmental Conservation, Division of Environmental Permits, Region 3, signed by Jean McAvoy, dated February 11, 2014.
11. A letter from the Town of Orangetown Zoning Board of Appeals, signed by February 19, 2014.
12. A Short Environmental Assessment Form signed by Joseph Donini, dated January 16, 2014.
13. A Narrative Summary, prepared by Atzl, Scatassa & Zigler, dated January 15, 2014.
14. Stormwater Management Report & Water Quality and Quantity System Design prepared by Ray Ahmadi, Ph.D., P.E., dated January 20, 2014.
15. Kraus Fitness Center Plans prepared by Atzl, Scatassa & Zigler, dated January 20, 2014:
 - Drawing No. 1: Existing Conditions
 - Drawing No. 2: Site Plan
 - Drawing No. 3: Grading Plan
 - Drawing No. 4: Wetlands Map
 - Drawing No. 5: Detail Sheet

The Board reviewed the plans. 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 Bruce Bond and seconded by Thomas Warren and carried as follows: Bruce Bond, aye; Michael Mandel, aye; William Young, aye; Robert Dell, absent; John Foody, aye; Thomas Warren, aye and Kevin Garvey, 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 Bruce Bond and seconded by Thomas Warren and carried as follows: Bruce Bond, aye; Michael Mandel, aye; William Young, aye; Robert Dell, absent; John Foody, aye; Thomas Warren, aye and Kevin Garvey, aye the Board declared itself Lead Agency.

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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 Atzl, Scatassa & 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 Drainage Agency, Rockland County Department of Health, Rockland County Sewer District No.1, New York State Department of Transportation, New York State Department of Environmental Conservation, and having reviewed proposed Site Plans by prepared by Atzl, Scatassa & Zigler, 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 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;

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- 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 Bruce Bond and seconded by Thomas Warren and carried as follows: Bruce Bond, aye; Michael Mandel, aye; Robert Dell, absent; John Foody, aye; William Young, aye; Thomas Warren, aye and Kevin Garvey, 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 a 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 make application to the Town of Orangetown Architecture and Community Appearance Board of Review for review of the site and building addition plans.

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4. The Short Environmental Assessment Form appears to be in order.
5. The drainage calculations are currently under review by DEME. However, the calculations shall describe the post construction maintenance of the pretreatment manhole.
6. Even though no credit is taken for percolation of the proposed runoff into the surrounding soil, a Perc test shall be done in the area of the proposed drywell. The Perc test shall be done prior to Stamping of the Final Site Plan.
7. Soil erosion and sediment control plans and details shall be submitted to DEME for review and approval.
8. The location of existing sanitary mains and building connects, in the proposed construction area, shall be shown on the plans.
9. This is the first drainage review report to the Planning Board for this project by the Board's Drainage Consultant, Brooker Engineering. The project consists of a one story addition to the northeast side of the existing gymnasium at St. Thomas Aquinas College. The addition is 32 feet by 76 feet (2,432 square feet) and is located on a grassy area. Stormwater runoff currently flows in a northeasterly direction to an existing parking lot. The applicant is proposing a drywell system to mitigate against potential impacts to increases in stormwater runoff as a result of the new impervious areas.

The application has provided drainage design to demonstrate that potential significant adverse impacts with respect to drainage can be mitigated. The Board's Drainage Consultant, Brooker Engineer, recommends that the St. Thomas Aquinas College Kraus Fitness Center be approved for drainage subject to the following project comments.

Project Comments

1. The stormwater detention calculations shall not use the volume of voids in the stone below the invert of the drywell and the volume of the drywell/stone voids above the invert of the overflow pipe in the available storage calculations.
2. The drywell location shall be moved away from the existing basement foundation. The storm drainage pipes between the pretreatment structure and the outlet point at the existing catch basin shall be realigned to minimize bends in the proposed storm drain pipe.
3. The Site Plan shall verify that only rooftop runoff from the proposed roof and no runoff from the existing roof will enter the new stormwater management system.
4. The Site Plans shall state if a basement is proposed as part of the addition. If a basement is proposed, a foundation drain shall be added. If no basement is proposed, the plans shall label the new construction as slab on grade.

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10. 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.
 - As per the January 29, 2014 letter from the Rockland County Department of Health, an application must be made to them for review of the Stormwater Management System for compliance with the County Mosquito Code.
 - A review must be completed by the Rockland County Drainage Agency, and any required permits obtained.
 - There shall be no net increase in stormwater runoff.
 - Prior to the start of construction or grading, a soil and erosion control plan shall be developed in place for the entire site that meets the New York State Guidelines for Urban Erosion and Sediment Control.
11. Rockland County Department of Health reviewed the Site Plan and found that the application is to be made to RCDOH for review of the storm water management system for compliance with the County Mosquito Code.
12. Based upon Rockland County Drainage Agency (RCDA) evaluation of available mapping and information submitted, it has been determined that the proposed activity is within the jurisdiction of the RCDA. Accordingly, a permit from the RCDA pursuant to the Rockland County Stream Control Act, Chapter 846, is required.
13. 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.
14. The New York State Department of Transportation reviewed the proposed subject property and has no further comments.
15. The New York State Department of Environmental Conservation indicated that based upon its review of the circulated documents, the following permits are required:

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Continuation of Condition #15...

- The Sparkill Creek tributary (B) H-13-7 is a protected stream. A protected of Water permit is required to physically disturb the bed or banks, (up to 50 feet from the stream) of any streams identified as "Protected."
- The project is not within a New York State protected Freshwater Wetland, However, the applicant should contact the United State Department of Army, Corps of Engineers' New York District Office (ACOE) for any permitting they might require.
- NYSDEC reviewed the statewide inventory of archaeological resources. These records indicate that the project is located within an area considered to be sensitive with regard to archaeological resources. The applicant is directed to visit the New York State Office of Historic Preservation, <http://www.nysparks.com/shpo/>.

16. 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 Health
- Rockland County Sewer District No. 1
- New York State Department of Environmental Conservation
- New York State Department of Transportation
- Town of Orangetown Zoning Board of Appeals
- Rockland County Drainage Agency

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

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

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.

20. 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 #20...

- 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.

21. 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.

22. 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.

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

24. 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

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Continuation of Condition #24...

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).

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

26. 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

27. 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 William Young and carried as follows: Bruce Bond, aye; Michael Mandel, aye; William Young, aye; John Foody, aye; Robert Dell, absent; Thomas Warren, aye and Kevin Garvey, 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: March 26, 2014

Cheryl Coopersmith

Chief Clerk Boards and Commissions

Town of Orangetown Planning Board

Attachment



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

St. Thomas Aquinas Kraus Fitness Center Site Plan
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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: St. Thomas Aquinas Kraus Fitness Center Site Plan
FINAL Approval Subject to Conditions

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

DESCRIPTION OF ACTION: Site Plan Review

LOCATION: The site is located at 125 Route 340, Sparkill, New York; Sparkill, Town of Orangetown, Rockland County, New York and as shown on the Orangetown Tax Map as Section 74.12, Block 1, Lot 29 and Section 74.16, Block 1, Lot 1, in the R-40 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, NYSDEC, - Town Supervisor, Applicant, Involved Agencies

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