

Meeting of April 8, 2015
Town of Orangetown Planning Board

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

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

Hillside Commercial Park Site Plan Final Site Plan Review 68.11/3/39 & 40; LI zoning district	Postponed to May 27, 2015	PB #14-27
Merritt Resubdivision Plan Prepreliminary/ Preliminary Resubdivision Plan & SEQRA Review 64.18/1/78.1 and 78.3; R-15 zoning district	Postponed to April 22, 2015	PB #15-10
<u>New Items:</u> 50 Ramland Road Wireless Communication Facility Final Site Plan Review 73.20/1/30; LIO zoning district	Final Site Plan Approval Subject to Conditions	PB #15-16
The Shops at Orangeburg Commons Site Plan Prepreliminary/ Preliminary Site Plan & SEQRA Review 74.15/1/22; LI zoning district	Postponed to May 13, 2015	PB #15-17
Orangeburg Commons Site Plan Amendment Prepreliminary/ Preliminary/ Final Site Plan Review 74.15/1/21; Route 303 Overlay Zone and LI zoning district	Postponed to May 13, 2015	PB #15-18

TOWN OF ORANGETOWN
2015 APR 27 PM 1 05
TOWN CLERKS OFFICE

**Meeting of April 8, 2015
Town of Orangetown Planning Board**

The Pointe at Lake Tappan Site Plan

PB #15-19

Recommendation to the Town Board
to Establish the Value and Term
of the Performance Bond
73.10/1/4, 5, & 6 (partial);
OP & PAC zoning districts

**Recommended
to the Town Board**

The decisions of the March 25, 2015 Planning Board Meeting was reviewed, edited, and approved. The motion for adoption was made and moved by Stephen Sweeney and seconded by Michael Mandel and carried as follows: William Young, aye; Kevin Garvey, aye, Thomas Warren, aye, Robert Dell, aye; Bruce Bond, aye; Stephen Sweeney, aye and Michael Mandel, aye.

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. The meeting was adjourned at 7:50 p.m. The next Planning Board meeting is scheduled for April 22, 2015.

DATED: April 8, 2015

Cheryl Coopersmith

Chief Clerk Boards and Commissions



TOWN OF ORANGETOWN
2015 APR 27 PM 1 05
TOWN CLERKS OFFICE

PB #15-16: 50 Ramland Road Wireless Telecommunication Plan - Final Site Plan Approval Subject to Conditions

Town of Orangetown Planning Board Decision

April 8, 2015

Page 1 of 7

TO: Leslie Snyder, Snyder & Snyder, 94 White Plains Road, Tarrytown,
New York 10591
FROM: Orangetown Planning Board

RE: 50 Ramland Road Wireless Telecommunication Facilities Plan and Special Permit: The application of Wireless Edge Towers, LLC, applicant, for 50 Ramland, LLC, owner, (Snyder & Snyder, LLP, attorney for the applicant) for Final Site Plan Review, at a site to be known as **"50 Ramland Road Wireless Telecommunication Facilities 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 50 Ramland Road, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 73.20, Block 1, Lot 30 in the LIO zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, April 8, 2015**, the Board made the following determinations:

Jordan Fry and Joseph Walsh appeared and testified for the applicant.

The Board received the following communications:

1. Project Review Committee Report dated April 1, 2015.
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 April 8, 2015.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., April 2, 2015.
4. A letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated April 8, 2015.
5. A letter from the Rockland County Department of Planning, signed by Douglas J. Schuetz, Acting Commissioner of Planning, dated April 7, 2015.
6. A letter from the Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated March 19, 2015.
7. A letter from Rockland County Sewer District, signed by Joseph LaFiandra, Engineer II, dated March 25, 2015.
8. A letter to the Planning Board from Snyder & Snyder, LLP signed by Leslie J. Snyder, dated March 5, 2015, with an attachment of a Memorandum in Support of Application for Final Site Plan Approval for a Public Utility Wireless Communication Facility, prepared by Wireless Edge Towers LLC and New York SMSA Limited Partnership d/b/a Verizon Wireless, as co-locator.

TOWN CLERKS OFFICE

2015 APR 27 PM 1 06

TOWN OF ORANGETOWN

PB #15-16: 50 Ramland Road Wireless Telecommunication Plan - Final Site Plan Approval Subject to Conditions

Town of Orangetown Planning Board Decision

April 8, 2015

Page 2 of 7

9. A letter from French & Parrello, signed by Peter Tardy, P.E., Vice President, dated March 4, 2015.

10. Board Decisions: ZBA# 15-21, Performance Standards Approved with Conditions, dated March 4, 2015, ACABOR #15-06, Approved Subject to Conditions, dated February 5, 2015 and PB #14-48, Preliminary Site Plan and Special Permit Granted, dated January 14, 2015.

11. Stormwater Management Report prepared by French & Parrello, dated January 6, 2015, last revised March 4, 2015.

12. Plans prepared by French & Parrello Associates Consulting Engineers, dated October 24, 2014, print dated of December 29, 2014:

Sheet Number C-01: Cover Sheet

Sheet Number SP-1: Site Plan & Notes

Sheet Number SP-1B: Site Plan Details

Sheet Number SP-2: Enlarged Area Plan

Sheet Number SP-3: Elevation

Sheet Number SP-4: Site Details - 1

Sheet Number SP-5: Site Details - 2

Sheet Number SP-6: Shelter Details

Sheet Number SP-6: Generator Details

SESC -1: Soil Erosion & Sediment Control Plans and Details

SESC -2: Soil Erosion & Sediment Control Details

13. An Email from Brian Orzel, Project Manager, Civil Engineer, U.S. Army Corps of Engineers, New York District, dated February 9, 2015.

The Board reviewed the plans.

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

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."

TOWN CLERKS OFFICE

2015 APR 27 PM 1 06

TOWN OF ORANGETOWN

PB #15-16: 50 Ramland Road Wireless Telecommunication Plan - Final Site Plan Approval Subject to Conditions

Town of Orangetown Planning Board Decision

April 8, 2015

Page 3 of 7

2. Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations
3. The applicant shall comply with all pertinent and applicable conditions of all previous Board Decisions: ZBA# 15-21, Performance Standards Approved with Conditions, dated March 4, 2015, ACABOR #15-06, Approved Subject to Conditions, dated February 5, 2015 and PB #14-48, Preliminary Site Plan and Special Permit Granted, dated January 14, 2015.
4. The Soil erosion and sediment control plans and details are under review by DEME. However, a stabilized construction entrance shall be added to the SESC plans. DEME disagrees with the applicant's engineer's letter of March 4, 2015, a stabilized construction entrance SHALL be installed at the "telecom compound" in order to prevent sediment from entering the onsite drainage system and either flowing into the wetlands or the existing pond #2 – this shall also be changed in the SWPPP.
5. The source benchmark and elevation is required for the given datum shall be added to the plan, just listing the datum is insufficient.
6. Catch basin/ inlet protection shall be depicted for the existing onsite basins along the "entrance driveway" – between Ramland Road and the "telecom compound" and also along the south side of Ramland Road.
7. The Storm Water Pollution Prevention Plan is under review by DEME. A formal review of the SWPPP will be sent under separate cover the applicant's engineer. However, the SWPPP shall show how the 0.2 acres of disturbance were calculated i.e. show calculation for the area in and around the "telecom compound" and utility installation from Ramland Road to "telecom compound."
8. The Drainage Consultant to the Planning Board, Brooker Engineering, reviewed the information and plans submitted and held that application demonstrates that potential significant adverse impacts with respect to drainage can be mitigated and therefore recommends that the Wireless Edge – 50 Ramland Road Site Plan be approved for drainage subject to the following Project Comment.

TOWN CLERKS OFFICE

2015 APR 27 PM 1 06

TOWN OF ORANGETOWN

PB #15-16: 50 Ramland Road Wireless Telecommunication Plan - Final Site Plan Approval Subject to Conditions and Special Permit Granted

Town of Orangetown Planning Board Decision

April 8, 2015

Page 4 of 7

Continuation of Condition #8....

This is the third drainage review report to the Planning Board for this project; the last report was dated January 13, 2015. The project includes the addition of approximately 6,300 square feet of new gravel area for a monopole and equipment storage. The construction detail shows a clean $\frac{3}{4}$ inch gravel to be used for the ground cover; however, the voids between the uniform stone will be filled with leaf litter and debris in a relatively short period and this area will act as an impervious surface.

The applicant demonstrates that runoff from the new gravel areas can be diverted to the existing stormwater management basin to militate against increases in stormwater runoff. The drainage calculations use an impervious surface value for the ground cover of the new gravel area. For this submission, the applicant's engineer has added a drainage system to intercept the runoff from the new gravel area and convey it to the stormwater detention basin.

Project Comments

1. The drainage report states, "The applicant will perform quarterly inspections and yearly maintenance as required to ensure leaf and debris removal so that the gravel cover remains compacted and not impervious." This maintenance procedure should be added to Appendix G of the SWPPP, "Maintenance Inspection Checklist" and referenced on the Site Plan.
9. The Rockland County Department of Planning reviewed the plans and provided the following comments which are incorporated herein as conditions of approval:

1. The conditions in the March 3, 2015 letter from the Rockland County Department of Highways must be met. All required permits must be obtained.
2. An updated review shall be completed by the United States Army Corps of Engineers and all required permits obtained.
3. The ACABOR minutes of the February 5, 2015 meeting indicate that a Visual Analysis was prepared for the site. However, since the Rockland County Department of Planning were not in receipt of that report, the Town Planning Board must ensure that the site is screened by mature vegetation and proposed landscaping, as required in Section 8-15M (1), and that the visual analysis provided graphic information that accurately portrays the visual impact of the proposed tower from various vantage points.

TOWN CLERKS OFFICE

2015 APR 27 PM 1 06

TOWN OF ORANGETOWN

PB #15-16: 50 Ramland Road Wireless Telecommunication Plan - Final Site Plan Approval Subject to Conditions and Special Permit Granted

Town of Orangetown Planning Board Decision

April 8, 2015

Page 5 of 7

Continuation of Condition #9....

4. The applicant must demonstrate that all conditions in Section 8.15L. (2) and (4) have been met. The proposed wireless telecommunication facility is being located within the 100' buffer of the greenbelt line. Since these facilities may not be located within buffers shown on an approved site plan or in a conversation or similar easement, a variance for its location may be required, or the location of the facility be moved. In addition, the applicant has not proven that the proposed height is the minimum height necessary for adequate operation to meet the applicant's communication needs and the aesthetic intrusion has been minimized to the greatest extent practicable. In fact, Exhibit 4, FCC Compliance Report, notes "there are no identifiable national or regional operators to include in the analysis." Indicating that the proposed 150 foot tall tower is substantially higher than may be needed. The applicant must demonstrate that the height and location are consistent with the special permit requirements.
10. The Rockland County Department of Health has received the plans and based on the information provided, there are no Rockland County Health Department approvals associated with 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 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.

TOWN CLERKS OFFICE
2015 APR 27 PM 1 06
TOWN OF ORANGETOWN

PB #15-16: 50 Ramland Road Wireless Telecommunication Plan - Final Site Plan Approval Subject to Conditions and Special Permit Granted

Town of Orangetown Planning Board Decision

April 8, 2015

Page 6 of 7

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 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.

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.

TOWN CLERKS OFFICE
2015 APR 27 PM 1 06
TOWN OF ORANGETOWN

PB #15-16: 50 Ramland Road Wireless Telecommunication Plan - Final Site Plan Approval Subject to Conditions and Special Permit Granted

Town of Orangetown Planning Board Decision

April 8, 2015

Page 7 of 7

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

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

Dated: April 8, 2015

Town of Orangetown Planning Board

TOWN CLERKS OFFICE

2015 APR 27 PM 1 06

TOWN OF ORANGETOWN



PB#15-19: The Pointe at Lake Tappan Site Plan – Recommendation to the Town Board to Establish the Value and Term of the Performance Bond

Town of Orangetown Planning Board Decision

April 8, 2015

Page 1 of 2

TO: Donald Brenner, 4 Independence Avenue, Tappan,
New York 10913

FROM: Town of Orangetown Planning Board

RE: The Pointe at Lake Tappan Site Plan: The application of Donald Brenner, applicant, for a Recommendation to the Town Board to Establish the Value and Term of the Performance Bond at a site to be known as **“The Pointe at Lake Tappan Site Plan – Performance Bond”**, 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 Orangetown. The site is located on the South Side of Veterans Memorial Drive, East of the existing Blue Hill Office Complex and West of Blue Hill South Drive, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map: Section 73.10, Block 1, Lots 4, 5 & 6 (partial); OP & PAC zoning districts.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, April 8, 2015**, at which time the Board made the following determinations:

Donald Brenner appeared and testified for the applicant.

The Board received the following communications:

1. Project Review Committee Report dated April 1, 2015.
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 April 8, 2015.
3. Interdepartmental memorandums from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated March 27, 2015.

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

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

RECOMMENDATION: In view of the foregoing, the Planning Board **Recommends to the Orangetown Town Board** that the value and term of the Performance Bond be in accordance with the Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated March 27, 2015.

TOWN CLERKS OFFICE
2015 APR 27 PM 1 06
TOWN OF ORANGETOWN

PB#15-19: The Pointe at Lake Tappan Site Plan – Recommendation to the Town Board to Establish the Value and Term of the Performance Bond

Town of Orangetown Planning Board Decision
April 8, 2015
Page 2 of 2

The term of the Performance Bond shall not exceed two (2) years as set forth in Section 21A-10 of the Town of Orangetown Town Code, which shall be on or before April 8, 2017, and Subject to the Following Conditions:

<u>ITEM</u>	<u>COST</u>
Iron Pins	\$ 8,550.00
As-Built Drawings	\$ 27,000.00
Soil Erosion & Sediment Control	\$ 137,500.00
Sanitary Sewers	\$ 228,745.00
Pumping Station	\$ 850,000.00
Forced Main	\$ 375,000.00
<u>Sub-Total</u>	<u>\$ 1,626,795.00</u>
Administrative Close-out (10% of Sub-Total)	\$ 162,679.50
<u>Total</u>	<u>\$ 1,789,474.50</u>

Inspection Fee: \$ 48,803.85
(3% of Sub Total of Bond Amount to be submitted to DEME prior to onset of construction)

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

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

Dated: April 8, 2015
Town of Orangetown Planning Board

TOWN CLERKS OFFICE
2015 APR 27 PM 1 06
TOWN OF ORANGETOWN