

Meeting of February 11, 2015
Town of Orangetown Planning Board

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

MEMBERS ABSENT: Thomas Warren

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:

New Item:

Rockland Gaelic Athletic Association	PB #15-09
Clubhouse Site Plan	Final Site Plan
Final Site Plan Review	Approval Subject
160 Old Orangeburg Road, Orangeburg	to Conditions
73.12/1/1; RPC-R and R-80 zoning districts	

Continued from the December 10, 2014 Meeting:

Miller Minor Subdivision	PB #14-49
Prepreliminary/ Preliminary/ Final	Final Subdivision Plan
Subdivision Plan and SEQRA Review	Approval Subject
238 West Crooked Hill Road, Pearl River	to Conditions/ Neg. Dec.
68.11/3/16; R-15 zoning district	

Walgreens Resubdivision Plan	PB #14-46
Prepreliminary/ Preliminary/ Final	Preliminary Resubdivision
Resubdivision Plan and SEQRA Review	Plan Approval Subject
81 Rt. 303 & 165 Oak Tree Road, Tappan	to Conditions/ Neg. Dec.
77.15/1/24 & 25; CS & CO and	
Route 303 Overlay zoning districts	

Walgreens Site Plan	PB #14-24
Prepreliminary/ Preliminary Site Plan	Preliminary Site Plan
and SEQRA Review	Approval Subject to
81 Rt. 303 & 165 Oak Tree Road, Tappan	Conditions/ Neg. Dec.
77.15/1/24 & 25; CS & CO and	
Route 303 Overlay zoning districts	

TOWN CLERKS OFFICE
2015 FEB 11 AM 11 43
TOWN OF ORANGETOWN

February 11, 2015 Planning Board Meeting

Other Business: At the January 28, 2015 Town Board Meeting, the Town Board adopted a resolution referring the attached Petition to the Planning Board for review and comment.

"WHEREAS, in connection with the revised plan, the Owner/applicant has requested that the Town Board reduce the amount of the recreation contribution from \$700,000 to \$250,000, with the full \$1.25 million to be paid immediately upon the signing of the site plan, rather than over time; and..."

RECOMMENDATION: At the February 11, 2015 Planning Board Meeting, the Planning Board recommended Approval of the Reduction in the Required Recreation Fee as outlined in Town Board Referral.

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

The decisions of the January 14, 2015 Planning Board Meeting was reviewed, edited, and approved. The motion for adoption was made and moved by Michael Mandel and seconded by William Young and carried as follows: William Young, aye; Kevin Garvey, aye, Thomas Warren, absent, Robert Dell, aye; Bruce Bond, aye; Stephen Sweeney, aye and Michael Mandel, aye.

The decisions of the January 28, 2015 Planning Board Meeting was reviewed, edited, and approved. The motion for adoption was made and moved by Michael Mandel and seconded by William Young and carried as follows: William Young, aye; Kevin Garvey, aye, Thomas Warren, absent, 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 Bruce Bond and seconded by William Young and agreed to by all in attendance. The meeting was adjourned at 9:20 p.m. The next Planning Board meeting is scheduled for February 25, 2015.

DATED: February 11, 2015
Cheryl Coopersmith
Chief Clerk Boards and Commissions



TOWN CLERKS OFFICE

2015 MAR 17 AM 11 43

TOWN OF ORANGETOWN

**PB #15-09: Rockland Gaelic Athletic Association Clubhouse Site Plan –
Final Site Plan Approval Subject to Conditions**

**Town of Orangetown Planning Board Decision
February 11, 2015
Page 1 of 7**

TO: Michael Healy, 10 Lois Lane, Pearl River, New York 10965
FROM: Orangetown Planning Board

RE: Rockland Gaelic Athletic Association Clubhouse Site Plan: The application of Rockland Gaelic Athletic Association, Inc., owners, for Final Site Plan Review, at a site known as “**Rockland Gaelic Athletic Association Clubhouse 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 160 Old Orangeburg Road, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 73.12, Block 1, Lot 1 in the RPC-R and R-80 zoning districts.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, February 11, 2015**, the Board made the following determinations:

Michael Healy and Jessy Cokeley appeared and testified for the applicant. The Board received the following communications:

1. A Project Review Committee Report dated February 4, 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 February 11, 2015.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., February 5, 2015.
4. A letter from Brooker Engineering signed by Kenneth DeGennaro, dated February 10, 2015.
5. A letter from the Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated February 3, 2015.
6. Letters from the Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated January 26 & 13, 2015.
7. A letter from Rockland County Department of Highways, signed by Sonny Lin, P.E., dated February 10, 2015.
8. A Narrative Summary prepared by Maser Consulting dated December 17, 2014.
9. A copy of a letter to Jesse Cokeley, Maser Consulting, from Rockland County Department of Health, signed by Brian K. Hunderfund, Senior Environmental Health Specialist, dated December 15, 2014.
10. A Stormwater Management Report, prepared by Maser Consulting, dated August 8, 2014, revised December 5, 2014.

TOWN CLERKS OFFICE
2015 MAR 17 PM 11 43
TOWN OF ORANGETOWN

**PB #15-09: Rockland Gaelic Athletic Association Clubhouse Site Plan –
Final Site Plan Approval Subject to Conditions**

**Town of Orangetown Planning Board Decision
February 11, 2015
Page 2 of 7**

11. Site Plans, prepared by Maser Consulting, dated June 24, 2014, last revision date of August 8, 2014, last revision date of December 5, 2014:

- Sheet 1 of 8: Overall Site Plan
- Sheet 2 of 8: Dimension Plan
- Sheet 3 of 8: Grading, Drainage, & Utility Plan
- Sheet 4 of 8: Erosion Control Plan
- Sheet 5 of 8: Landscaping Plan
- Sheet 6 of 8: Lighting Plan
- Sheet 7 of 8: Construction Details
- Sheet 8 of 8: Construction Details

12. A letter from Maser Consulting, signed by Jessey Cokeley, P.E., Senior Project Engineer, dated December 17, 2014.

13. Copies of the following Board Decisions: ACABOR #14-38, Approved Subject to Conditions, dated November 6, 2014 and PB #14-31, Preliminary Site Plan approval Subject to Conditions, dated September 10, 2014.

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

DECISION: In view of the foregoing and the testimony before the Board, the application was **granted FINAL SITE PLAN APPROVAL SUBJECT TO THE FOLLOWING CONDITIONS:**

1. The following note shall be placed on the Site Plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a Pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a Meeting."

2. Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations

TOWN CLERKS OFFICE

2015 MAR 17 PM 11 43

TOWN OF ORANGETOWN

**PB #15-09: Rockland Gaelic Athletic Association Clubhouse Site Plan –
Final Site Plan Approval Subject to Conditions**

**Town of Orangetown Planning Board Decision
February 11, 2015
Page 3 of 7**

3. The applicant shall comply with all pertinent and applicable previous Board Decisions: ACABOR #14-38, Approved Subject to Conditions, dated November 6, 2014 and PB #14-31, Preliminary Site Plan approval Subject to Conditions, dated September 10, 2014.

4. The applicant submitted a Final Site Plan, last revised December 5, 2014, which the Planning Board granted Final Approval. In addition, a second Site Plan, last revised January 17, 2015 was submitted that shows the proposed building slightly shifted to the north thereby requiring the need for a Zoning Board of Appeals variance for a side yard setback. The minimum required side yard is 20 feet and 9.31 feet is proposed. The applicant explained at the Project Review Committee Meeting of February 4, 2015 as well as the Planning Board Meeting, that the Building was shifted to avoid a conflict with the goal backstop net and to provide enough separation distance between the building and net for emergency vehicles. Since the slight relocation of the building does not affect the overall conditions of the Site Plan, the Planning Board granted Final Approval for the December 5, 2014 Site Plan (Site Plan A) and the January 17, 2015 Site Plan (Site Plan B) subject to the Town of Orangetown Zoning Board of Appeals granting the side yard variance. This "dual" approval would allow the Planning Board Clerk to sign Site Plan A and the applicant to begin construction using Site Plan A, while proceeding to the Zoning Board of Appeals for the variance required on Site Plan B. If the variance is granted by the Zoning Board of Appeals, then the Planning Board Clerk may sign Site Plan B and the applicant can modify the building permit to continue work using Site Plan B. If the variance is not granted, then the applicant would continue using Site Plan A without having lost time. Again, the slight shift of the building on Site Plan B does not affect the overall conditions of the Site Plan. The site work associated with both site plans is relatively the same except for the addition of a retaining wall at the northwest corner of the building on Site Plan B.

5. The applicant still needs to comply with PB #14-31, condition 4; Post Construction Stormwater maintenance Agreement required. The maintenance agreement provided at the end of the Stormwater report does not match the Town of Orangetown's standard agreement. The applicant's attorney/ engineer shall contact the Town Attorney's office to get a copy of the Town's standard boiler plate for post construction SWMA's. That agreement must include a checklist, prepared by the applicant's engineer that follows the manufacture's recommendations for the specified stormwater practice.

6. The engineer's revised stormwater management report is under review by DEME. However, Page 1 of the stormwater report states that the area of disturbance is less than 30,000 square feet, but page 2 states that the area is 42,841 square feet. This inconsistency shall be corrected in the stormwater report.

TOWN CLERKS OFFICE
2015 MAR 17 AM 11 43
TOWN OF ORANGETOWN

**PB #15-09: Rockland Gaelic Athletic Association Clubhouse Site Plan –
Final Site Plan Approval Subject to Conditions**

**Town of Orangetown Planning Board Decision
February 11, 2015
Page 4 of 7**

7. Profiles for the sanitary building connection and the new storm sewer lines shall be added to the drawing.
8. The Drainage Consultant to the Planning Board, Brooker Engineering, found the application demonstrates that increases in stormwater runoff can be mitigated and therefore recommends that the Rockland Gaelic Athletic Association Clubhouse be approved for drainage subject to the following Project Comments.

Project Description

This is the Drainage Consultant's third drainage review report to the Planning Board for this project; the last review was dated September 10, 2014. The project includes the construction of a clubhouse with 6,500 square feet building footprint and total new impervious area of 12,183 square feet. The proposed clubhouse is located just north of the Gaelic football field, in an embankment that slopes downhill to the north.

The engineering report shows land disturbance of just under one acre and provides an underground stormwater detention facility to mitigate against increases in surface runoff due to new impervious area.

Project Comments

1. As per the September 10, 2014 report, a drainage subbasin map shall be included in the drainage report that clearly shows the watersheds and the area that is intended to be diverted to the detention system. Include ground cover breakdown on the drainage maps. For ease of construction and inspection, include the delineation of the subbasin that is intended to be directed to the detention basin on the Grading Plan.
2. The proposed condition hydrologic model shall include separate subbasins for the subarea to be directed to the detention basin and subarea to be diverted around the detention basin.
3. The drainage calculations shall not use volume of stone voids below the invert of the pipes in the storage routing calculations.
4. Revise the grading for the handicap ramp to show that the portion of the ramp from elevation 102.25 to elevation 101.25 will not direct runoff toward the building.
5. Add the hood over the outlet pipe on the Catch Basin Detail. Graphically show the sump on the Catch Basin Detail.
6. Shown the building foundation drain.

TOWN CLERKS OFFICE

2015 MAR 17 PM 11 43

TOWN OF ORANGETOWN

**PB #15-09: Rockland Gaelic Athletic Association Clubhouse Site Plan –
Final Site Plan Approval Subject to Conditions**

**Town of Orangetown Planning Board Decision
February 11, 2015
Page 5 of 7**

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

- A review must be completed by the Rockland Psychiatric Center and any comments or concerns addressed.
- A review must be completed by the New York State Office of Mental Health, and any comments or concerns addressed.
- Prior to the start of construction or grading, a soil and erosion control plan shall be developed and in place for the entire site that meets the latest edition of the New York State Guidelines for Urban Erosion and Sediment Control.
- There shall be no net increase in the peak rate of discharge from the site at all design points.
- Due to the shifting of the building, a variance for side yard is now required. Rockland County Department of Planning requests the opportunity to review the variance necessary to implement the proposed site plan.

10. 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.

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

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

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

TOWN CLERKS OFFICE

2015 MAR 17 PM 11 43

TOWN OF ORANGETOWN

**PB #15-09: Rockland Gaelic Athletic Association Clubhouse Site Plan –
Final Site Plan Approval Subject to Conditions**

**Town of Orangetown Planning Board Decision
February 11, 2015
Page 6 of 7**

Continuation of Condition #13...

- 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.

- 14.** All landscaping shown on the Site plans shall be maintained in a vigorous growing condition throughout the duration of the use of this site. Any plants not so maintained shall be replaced with new plants at the beginning of the next immediately following growing season.
- 15.** Prior to the commencement of any site work, including the removal of trees, the applicant shall install the soil erosion and sedimentation control as required by the Planning Board. Prior to the authorization to proceed with any phase of the site work, the Town of Orangetown Department of Environmental Management and Engineering (DEME) shall inspect the installation of all required soil erosion and sedimentation control measures. The applicant shall contact DEME at least 48 hours in advance for an inspection.
- 16.** The contractor's trailer, if any is proposed, shall be located as approved by the Planning Board.
- 17.** If the applicant, during the course of construction, encounters such conditions as flood areas, underground water, soft or silty areas, improper drainage, or any other unusual circumstances or conditions that were not foreseen in the original planning, such conditions shall be reported immediately to DEME. The applicant shall submit their recommendations as to the special treatment to be given such

TOWN CLERKS OFFICE
2015 MAR 17 PM 11 43
TOWN OF ORANGETOWN

**PB #15-09: Rockland Gaelic Athletic Association Clubhouse Site Plan –
Final Site Plan Approval Subject to Conditions**

**Town of Orangetown Planning Board Decision
February 11, 2015
Page 7 of 7**

Continuation of Condition #17...

areas to secure adequate, permanent and satisfactory construction. DEME shall investigate the condition(s), and shall either approve the applicant's Recommendations to correct the condition(s), or order a modification thereof. In the event of the applicant's disagreement with the decision of DEME, or in the event of a significant change resulting to the subdivision plan or site plan or any change that involves a wetland regulated area, the matter shall be decided by the agency with jurisdiction in that area (i.e. Wetlands - U.S. Army Corps of Engineers).

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

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

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

The foregoing Resolution was made and moved by William Young and seconded by Bruce Bond and carried as follows: Kevin Garvey, aye; Bruce Bond, aye; Stephen Sweeney, aye; Michael Mandel, aye; William Young, 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: February 11, 2015
Cheryl Coopersmith
Chief Clerk Boards and Commissions**



TOWN CLERKS OFFICE
2015 MAR 17 PM 11 43
TOWN OF ORANGETOWN

**PB #14-49: Miller Minor Subdivision; Final Subdivision Plan Approval
Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision
February 11, 2014
Page 1 of 11**

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

RE: Miller Minor Subdivision Plan: The application Linda Dale Miller, owner, for Preliminary/ Preliminary/ Final Subdivision Plan Review, at a site to be known as **"Miller Minor Subdivision Plan"**, in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21 of the Code of the Town of Orangetown 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 238 West Crooked Hill Road, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 68.11, Block 3, Lot 16 in the R-15 zoning district.

Heard by the Planning Board of the Town of Orangetown at meetings held **Wednesday, December 10, 2014 and February 11, 2015**, the Board made the following determinations:

December 10, 2014

Jay Greenwell and Linda Miller appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated December 3, 2014.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated December 10, 2014.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., December 4, 2014.
4. A letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated December 9, 2014.
5. A letter from Rockland County Department of Planning, from Douglas Schuetz, Action Commissioner of Planning, dated November 25, 2014.
6. A letter from Rockland County Department of Highway, signed by Sonny Lin, P.E., dated December 8, 2014.
7. A letter from Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer II, dated December 1, 2014.
8. Letters from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated November 4, 2014.
9. A letter from the New York State Department of Environmental Conservation, Division of Environmental Permits, Region 3, signed by Jean McAvoy, dated December 1, 2014.

TOWN CLERKS OFFICE

2015 MAR 17 PM 11 43

TOWN OF ORANGETOWN

PB #14-49: Miller Minor Subdivision; Final Subdivision Plan Subject to Conditions/ Neg. Dec.

Town of Orangetown Planning Board Decision

February 11, 2015

Page 2 of 11

10. A letter from the Town of Orangetown Zoning Board of Appeals, signed by Daniel W. Sullivan, Chairman, dated November 11, 2014.

11. Subdivision Plan prepared by Jay Greenwell, PLS, dated October 10, 2014:

Sheet 1 of 2: Subdivision of Property

Sheet 2 of 2: Survey

12. A Short Environmental Assessment Form signed by Linda Dale Miller, dated October 14, 2014.

13. Miller Subdivision Hydraulic Analysis and Stormwater Design Calculations, dated October 14, 2014, signed and sealed by Paul Ddanski, P.E.

14. Submitted at the Board Meeting, a letter signed by Dr. Maureen Ruocco and Kevin Ruocco, dated December 10, 2014.

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

Public Comment:

Kevin Ruocco, 248 Center Street, Pearl River; expressed concerns regarding the proposed development and that it would impact the value of his property.

Patrick McGovern, 230 Center Street, Pearl River; held that since the construction of a new subdivision neighboring his property, his property has been flooded.

Maureen Dauria, 360 Center Street, Pearl River; raised concerns regarding the impact of the proposed development and the increase in water to the neighborhood.

Michael O'Sullivan, 248 North Lincoln Street, expressed concerns with the increase in water to the neighborhood resulting from a recent subdivision. Drywells are not the solution to all of the water that would be created by the new subdivision.

Robert Lord, 239 Crooked Hill Road, Pearl River; raised concerns regarding the placement of the house and driveway. The existing placement of these items will negatively impact the neighborhood. He requested that the house and driveway be relocated.

Dr. Maureen Ruocco, 248 Center Street, Pearl River: submitted a letter to the Board, dated December 10, 2014. Dr. Ruocco held that the project site should conform with the size and shapes of other houses and lots in the neighborhood. The proposed house is currently proposed to sit behind another house and not line up with the other houses in the area. She believed that the property values of the surrounding houses will decrease.

TOWN CLERKS OFFICE

2015 MAR 17 PM 11 43

TOWN OF ORANGETOWN

PB #14-49: Miller Minor Subdivision; Final Subdivision Plan Subject to Conditions/ Neg. Dec.

**Town of Orangetown Planning Board Decision
February 11, 2015
Page 3 of 11**

The applicant requested a **CONTINUATION**.

February 11, 2015

Daniel Delossantos, Lawrence Marshall and Linda Miller appeared and testified. The Board received the following communications:

1. Project Review Committee Report dated February 4, 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 February 11, 2015.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., February 5, 2015.
4. A letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated February 10, 2015.
5. A letter from Jay Greenwell, PLS, dated January 19, 2015.
6. Exhibit showing the measured sight distances at the existing and proposed driveways for the Miller Subdivision, prepared by Jay Greenwell, PLS, dated February 6, 2015.
7. Subdivision Plana prepared by Jay Greenwell, PLS, dated October 10, 2014:
 - Sheet 1 of 2: Subdivision of Property, revised December 16, 2014
 - Sheet 2 of 2: Grading, Utility and Erosion Control Plan, revised January 15, 2015

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

Public Comment:

Donna Martinetti, 239 Crooked Hill Road, Pearl River; requested information regarding possible widening of Crooked Hill Road and if the applicant had moved the location of the driveway.

Dr. Maureen Ruocco, 248 Center Street, Pearl River: raised concerns regarding the design of the subdivision and placement of the proposed house. She raised possible safety issues with having a driveway located in the rear of another house. Dr. Ruocco requested information regarding the proposed lighting on the site and glare from the lights into her house. She raised concerns regarding the impact of the development on drainage to her property and the neighborhood.

Michael O'Sullivan, 248 North Lincoln Street, expressed concerns regarding the number of proposed drywells, in that they may not be sufficient for the design of the subdivision. He believed that the drywells should be larger and have a deeper design.

TOWN CLERKS OFFICE

2015 MAR 17 PM 11 43

TOWN OF ORANGETOWN

PB #14-49: Miller Minor Subdivision; Final Subdivision Plan Subject to Conditions/ Neg. Dec.

**Town of Orangetown Planning Board Decision
February 11, 2015
Page 4 of 11**

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, absent; and Stephen Sweeney, 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 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:

TOWN CLERKS OFFICE
2015 MAR 17 PM 11 43
TOWN OF ORANGETOWN

PB #14-49: Miller Minor Subdivision; Final Subdivision Plan Subject to Conditions/ Neg. Dec.

**Town of Orangetown Planning Board Decision
February 11, 2015
Page 5 of 11**

- 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, absent; 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 A FINAL 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."

TOWN CLERKS OFFICE

2015 MAR 17 PM 11 43

TOWN OF ORANGETOWN

PB #14-49: Miller Minor Subdivision; Final Subdivision Plan Subject to Conditions/ Neg. Dec.

**Town of Orangetown Planning Board Decision
February 11, 2015
Page 6 of 11**

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 Site and Landscaping Plans shall be reviewed by the Town of Orangetown Architecture and Community Appearance Board of Review at the time it is proposed for a specific dwelling plan, under Site Plan Review.
4. The Subdivision Plan shall be revised as follows: the driveway turn around and house shall be relocated, as if the Subdivision Plan was "Flipped". The house shall then be moved 5 feet to the east. The radius of the driveway shall be increased at Crooked Hill Road. Silt fencing shall be placed 20 feet from the Westerly and Southerly property lines.
5. The existing sewer line for Lot #2 shall be shown on the Subdivision Plan.
6. The sight distances at the driveway entrances shall be labeled on the Subdivision Plan.
7. The Short Environmental Assessment Form appears to be in order.
8. The drainage calculations are under review by DEME. However, a "perc" test shall be administered at all proposed seepage pit locations, to ensure adequacy of designed drainage system, prior to receiving final approval for site plan. The applicant's engineer shall provide a copy of the field perc test results to DEME and the Building Department for review and approval.
9. A 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.
10. The soil erosion and sediment control plans and details are under review by DEME.
11. A note shall be added to the Site plan indication the source benchmark for the referenced datum, including the BM elevation.

TOWN CLERKS OFFICE

2015 MAR 17 PM 11 43

TOWN OF ORANGETOWN

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 Miller 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.

TOWN CLERKS OFFICE
FEB 11 2015 PM 11 43
TOWN OF ORANGETOWN

PB #14-49: Miller Minor Subdivision; Final Subdivision Plan Subject to Conditions/ Neg. Dec.

**Town of Orangetown Planning Board Decision
February 11, 2015
Page 8 of 11**

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:

- The Village of Chestnut Ridge is the reason this proposal was referred to Rockland County Department of Planning for review. The municipal boundary is approximately 315 feet west of the subject property line, west of Center Street. As required under Section 239nn of the State General Municipal Law, the Village of Chestnut Ridge must be given the opportunity to review the proposed subdivision and provide any concerns related to the project to the Town of Orangetown.
- 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.
- As indicated in the November 4, 2014 letter from the County of Rockland Department of Health, application must be made for review of the stormwater management system to ensure compliance with the County Mosquito Code.
- 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.

14. The Rockland County Department of Highways permits are not required for the proposed development.

15. The Rockland County Department of Health (RCDOH) reviewed the plans and found that application is to RCDOH for review of the Stormwater Management system for compliance with the County Mosquito Code.

TOWN CLERKS OFFICE
2015 MAR 17 PM 11 43
TOWN OF ORANGETOWN

PB #14-49: Miller Minor Subdivision; Final Subdivision Plan Subject to Conditions/ Neg. Dec.

**Town of Orangetown Planning Board Decision
February 11, 2015
Page 9 of 11**

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. 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,

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.

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:

TOWN CLERKS OFFICE

2015 MAR 17 PM 11 43

TOWN OF ORANGETOWN

PB #14-49: Miller Minor Subdivision; Final Subdivision Plan Subject to Conditions/ Neg. Dec.

**Town of Orangetown Planning Board Decision
February 11, 2015
Page 10 of 11**

Continuation of Condition #22...

- 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.

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.

TOWN CLERKS OFFICE
2015 MAR 17 AM 11 43
TOWN OF ORANGETOWN

PB #14-49: Miller Minor Subdivision; Final Subdivision Plan Subject to Conditions/ Neg. Dec.

**Town of Orangetown Planning Board Decision
February 11, 2015
Page 11 of 11**

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.

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: February 11, 2015
Cheryl Coopersmith
Chief Clerk Boards and Commissions
attachment



TOWN CLERKS OFFICE

2015 MAR 17 PM 11 43

TOWN OF ORANGETOWN

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

**Miller Minor Subdivision; Final Subdivision Plan Subject to Conditions/
Neg. Dec.**

**Town of Orangetown Planning Board Decision
February 11, 2015**

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: Miller Minor Subdivision

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

**DESCRIPTION OF ACTION: Miller Minor Subdivision- Final Subdivision Plan
subject to Conditions/ Neg. Dec.**

LOCATION: The site is located 238 West Crooked Hill Road, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 68.11, Block 3, Lot 16 in the R-15 zoning district.

REASONS SUPPORTING THIS DETERMINATION:

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

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

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

For Further Information contact:

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

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

TOWN CLERKS OFFICE
2015 MAR 17 PM 11 44
TOWN OF ORANGETOWN

#14-46: Walgreens Resubdivision Plan – Preliminary Approval Subject to Conditions/ Neg. Dec.

Town of Orangetown Planning Board
February 11, 2015
Page 1 of 10

TO: Antimo Del Vecchio, Beattie Padovano, 50 Chestnut Ridge Road,
Suite 208, Montvale, New Jersey 07645
FROM: Orangetown Planning Board

RE: Walgreens Resubdivision Plan: The application Landmark Tappan, LLC, applicant for Super Power, Inc. and Thomas Jones and Michael Hydes, owners, (Antimo Del Vecchio, attorney for the applicant) for Prepreliminary/ Preliminary/ Final Resubdivision Plan Review, at a site to be known as **“Walgreens Resubdivision Plan”**, in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21 of the Code of the Town of Orangetown 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 81 Route 303, in the Route 303 Overlay Zone, Tappan, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 77.15, Block 1, Lot 24 & 25 in the CS & CO zoning districts.

Heard by the Planning Board of the Town of Orangetown at meetings held **Wednesday, October 22, December 10, 2014 and February 11, 2015**, the Board made the following determinations:

October 22, 2014

Andy Del Vecchio and Robert Freud appeared and testified
The Board received the following communications:

1. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, dated October 22, 2014, signed by John Giardiello, P.E., Director.
2. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, dated October 17, 2014, signed by Bruce Peters, P.E.
3. An Interdepartmental memorandum from James Dean, Superintendent of Highways, Town of Orangetown, dated October 20, 2014.
4. A letter from Rockland County Department of Planning, signed by Douglas J. Schuetz, Acting Commissioner of Planning, dated October 16, 2014.
5. Letters from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated September 23 & 25, 2014.
6. A letter from Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer, dated September 30, 2014.
7. A letter from the Town of Orangetown Zoning Board of Appeals, signed by Patricia Castelli, dated October 1, 2014.
8. A Short Environmental Assessment Form, dated October 20, 2014.

TOWN CLERKS OFFICE

2015 MAR 17 PM 11 44

TOWN OF ORANGETOWN

PB#14 - 46: Walgreens Resubdivision Plan - Preliminary Approval Subject to Conditions/ Neg. Dec.

**Town of Orangetown Planning Board
February 11, 2015
Page 2 of 10**

- 9. Subdivision Plan prepared by Dynamic Engineering Consulting, PC. dated September 2, 2014.
- 10. Property Survey prepared by Gallas Surveying Group, dated August 30, 2013, last dated September 30, 2013.
- 11. Copy of the Traffic Impact Study, prepared by Maser Consulting P.A., dated June 24, 2014, with attachment of a letter dated June 24, 2014 signed by John T. Collins, Ph.D., P.E.

The Board reviewed the plan.

Dr. John Collins, P.E., presented the Traffic Impact Study, prepared by Maser Consulting P.A., dated June 24, 2014

The hearing was then opened to the Public.

Public Comments:

Scott Wheatly, 38 Lexington Road, Tappan; raised concerns regarding that the development did not include any off-site improvements. Mr. Wheatly agreed with the improvements requested by New York State Department of Transportation. He presented photographs to the Board of the placement of a bus shelter and submitted a drawing noting an increase in a turning lane along Oak Tree Road.

John Queuevo, 33 Lexington Road, Tappan, questioned the Board if any environmental studies had been completed; traffic, noise, etc. He discussed the traffic back up on Lexington Road and requested that the Town make Lexington road a restricted one way road. Mr. Queuevo noted that he has been involved with the Town of Orangetown since 1968 in trying to slow down the traffic on Lexington Road. Now with the development of Walgreens and the possibility of 500 cars a day using the site, Lexington Road and the surrounding neighborhood would be significantly impacted.

Frank Kennedy, 27 Lexington Road, Tappan; asked for clarification regarding the direction of cars leaving and entering the project site.

Eileen Larken, 15 Horne Tooke Road, Palisades; raised concerns regarding the Traffic Study completed by Maser Engineering. She discussed the existing and increased truck traffic on Route 303.

Margaret Morrone, 19 Lexington Road, Tappan; questioned the Board regarding the vehicular turns out of the site onto Lexington Road.

Paul Winkelmeyer, 43 Lexington Road, Tappan; expressed concerns that the roadway system in the area is already congested and that with the construction of Walgreens the traffic to Lexington Road will be substantially impacted. He suggested that the Town make Lexington Road a one way road.

TOWN CLERKS OFFICE
2015 FEB 17 AM 11:44
TOWN OF ORANGETOWN

PB#14 - 46: Walgreens Resubdivision Plan - Preliminary Approval Subject to Conditions/ Neg. Dec.

**Town of Orangetown Planning Board
February 11, 2015
Page 3 of 10**

A motion was made to close the Public Hearing portion of the meeting by Thomas Warren 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 and Stephen Sweeney, aye.

A motion was made to reopen the Public Hearing portion of the meeting 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 and Stephen Sweeney, aye.

The applicant requested a **CONTINUATION**.

December 10, 2014

Andy Del Vecchio and Robert Freud appeared and testified

The Board received the following communications:

1. A Project Review Committee Meeting Report dated December 3, 2014.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, dated December 10, 2014, signed by John Giardiello, P.E., Director.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, dated December 4, 2014, signed by Bruce Peters, P.E.
4. Copy of an Amendment to the Traffic Impact Study, "Lexington Road Study", prepared by Maser Consulting P.A., ., dated December 2, 2014 signed by John T. Collins, Ph.D., P.E.
5. An Email from James Dean, Superintend of Highways, Town of Orangetown, dated December 10, 2014.

The Board reviewed the plan.

Dr. John Collins, P.E., presented the Traffic Impact Study, prepared by Maser Consulting P.A., dated December 2, 2014

The hearing was then opened to the Public.

Public Comments:

Margaret Morrone, 32 Lexington Road, Tappan; discussed a prior traffic study prepared in 2002.

Scott Wheatly, 38 Lexington Road, Tappan; discussed the widening of Route 303 to increase access to the site and surrounding area. Mr. Wheatly discussed the landscaping of the site.

Peter Feller, 62 Closter Road, Tappan, raised concerns regarding traffic to the project site, noting that the surrounding smaller roads will be impacted.

TOWN CLERKS OFFICE
2015 MAR 17 PM 11 44
TOWN OF ORANGETOWN

PB#14 - 46: Walgreens Resubdivision Plan - Preliminary Approval Subject to Conditions/ Neg. Dec.

Town of Orangetown Planning Board

February 11, 2015

Page 4 of 10

Eileen Larken, 15 Horne Tooke Road, Palisades; presented the Board with a photograph of a large truck, the type that would be coming to the project site. Ms. Larken discussed the traffic circulation of Route 303 and Oak Tree Road.

Frank Kennedy, 27 Lexington Road, Tappan; held that the existing traffic create congestion on the roads and that the proposed development would increase the traffic to the area. He noted that the speed bumps placed in Lexington Avenue are gone.

Jane Slavin, 20 Jane Street, Tappan; a member of Rockland County Planning Board, however representing herself as a Tappan resident; held that the calming improvements to Lexington Avenue has created a significant traffic impact to Jane Street.

Helen Kennedy, 27 Lexington Road, Tappan; stated that Lexington Road currently has a significant traffic problem.

The applicant requested a **CONTINUATION**.

February 11, 2015

Andy Del Vecchio, Robert Freud and Gary Dean appeared and testified
The Board received the following communications:

1. A Project Review Committee Meeting Report dated February 4, 2015.
2. Interdepartmental memorandums from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, dated January 28 and February 11, 2015, signed by John Giardiello, P.E., Director.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, dated January 22, 2015, signed by Bruce Peters, P.E.
4. A letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated January 27, 2015.
5. A letter from Rockland County Department of Planning, signed by Douglas J. Schuetz, Acting Commissioner of Planning, dated December 18, 2015.
6. A Summary Report submitted by the Town of Orangetown Traffic Advisory Board, dated December 16, 2014.
7. An interdepartmental memorandum from the Highway Department, Town of Orangetown, dated January 21, 2015, signed by James J. Dean, Superintendent of Highways, with an email attachment dated December 10, 2014.

TOWN CLERKS OFFICE

2015 MAR 17 PM 11 44

TOWN OF ORANGETOWN

PB#14 - 46: Walgreens Resubdivision Plan - Preliminary Approval Subject to Conditions/ Neg. Dec.

**Town of Orangetown Planning Board
February 11, 2015
Page 5 of 10**

8. A letter from the New York State Department of Transportation, signed by Joseph Taylor, Permit Engineer, dated January 27, 2015.
9. Submitted at the meeting by the applicant; Site Plan Exhibit Rendering, prepared by Dynamic Engineering, dated February 10, 2015.
10. Submitted at the meeting by Eileen Larken, 15 Horne Tooke Road, Palisades; photographs.

The Board reviewed the plan.

The hearing was then opened to the Public

Public Comment:

Scott Wheatly, 38 Lexington Road, Tappan; discussed issues of possible gridlock on the roadways surrounding the proposed development. He requested information regarding the width of Route 303 and the configuration of the bus bump out and curb.

Margaret Morrone, 32 Lexington Road, Tappan; discussed past car accidents at the intersection of Route 303 and Oak Tree Road. In addition, she noted that the design of the proposed structure would change the historical significance of Tappan. Ms Morrone held that property values would decrease, pollution would increase as well as the overall quality of life would be impacted by the development of the site with Walgreen's.

John Quevedo, 33 Lexington Road, Tappan; discussed the past four years and increased traffic to the area. Speed bumps and signs did not deter speeders on the roadways. With Walgreens coming the neighborhood, studies show that there will be an increase in traffic to area. Mr. Quevedo requested information on the proposed exit/ entrances to the project site, the number and types of delivery trucks to the site

Frank Kennedy, 27 Lexington Road, Tappan; expressed concerns regarding the number and types of delivery trucks on a daily basis to the project site as well traveling along Lexington Road.

Eileen Larken, 15 Horne Tooke Road, Palisades; presented the Board with photographs of other Walgreen's sites. She wanted to know the time of daily delivery trucks to the site. Ms Larken reminded the Board that Oak Tree Road had been designated a Historic Road a number of years ago. Finally, she wanted to know if the applicant needed to apply for any zoning variances.

A motion was made to close the Public Hearing portion of the meeting by William Young, 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, absent and Stephen Sweeney, aye.

TOWN CLERKS OFFICE

2015 MAR 17 AM 11 44

TOWN OF ORANGETOWN

PB#14 - 46: Walgreens Resubdivision Plan - Preliminary Approval Subject to Conditions/ Neg. Dec.

**Town of Orangetown Planning Board
February 11, 2015
Page 6 of 10**

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 Stephen Sweeney 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, 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 Dynamic Engineering Consulting, PC 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, and having reviewed proposed Site Plans by prepared by Dynamic Engineering Consulting, PC, a summary of the reasons supporting this determination are, and the Planning Board finds, that the proposed action:

- Will not significantly affect existing air quality or noise levels;
- Will not significantly affect existing surface water quality or quantity or drainage;
- Will not significantly affect existing ground water quality or quantity;
- Will not significantly affect existing traffic levels;
- Will not create a substantial increase in solid waste production;
- Will not create a potential for erosion, flooding, leaching or drainage problems;
- Will not have a significant adverse impact on the environmental characteristics of our critical environmental area or environmentally sensitive sites or features;
- Will not have an impairment of the character or quality of important historical, archeological or architectural resources;
- Will not have an impairment of the character or quality of important aesthetic resources;

TOWN CLERKS OFFICE

2015 MAR 17 PM 11 44

TOWN OF ORANGETOWN

PB#14 - 46: Walgreens Resubdivision Plan - Preliminary Approval Subject to Conditions/ Neg. Dec.

**Town of Orangetown Planning Board
February 11, 2015
Page 7 of 10**

- 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 William Young and carried as follows: Kevin Garvey, aye; Bruce Bond, aye; Michael Mandel, nay; William Young, aye; Robert Dell, nay; Thomas Warren, absent 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 a PRELIMINARY RESUBDIVISION PLAN APPROVAL SUBJECT TO THE FOLLOWING CONDITIONS:**

1. The following note shall be placed on the Resubdivision 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 Resubdivision 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 Monumentation along Route 303 and along Oak Tree Road, at proposed R.O.W. dedication, is incomplete. Monuments shall be drawn and labeled at all subdivision corners and along the entire shall be drawn and labeled at all subdivision corners along the **entire** right of way.
4. The proposed curb line along Oak Tree Road does not allow for a bus to stop for passengers without blocking the east bound lane of Oak Tree Road. As presently designed, a vehicle passing a stopped bus will be forced into the west bound left turn lane, creating a dangerous condition. Additionally, a vehicle heading east bound that stops to make a left turn into Lexington Road will block all east bound traffic causing a back-up into the intersection at Route 303 north bound. The applicant shall be required to redesign the curb line along Oak Tree Road to address these safety concerns.

TOWN CLERKS OFFICE

2015 MAR 17 PM 11 44

TOWN OF ORANGETOWN

PB#14 - 46: Walgreens Resubdivision Plan - Preliminary Approval Subject to Conditions/ Neg. Dec.

**Town of Orangetown Planning Board
February 11, 2015
Page 8 of 10**

5. ADA compliant sidewalks shall be provided along Oak Tree Road for the entire length of this property.

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

- Pursuant to the Rockland County Stream Control Act, the subdivision map must be reviewed and signed by the Chairman of the Rockland County Drainage Agency before the County Clerk will accept the plan for filing.
- A review shall be completed by the New York State Department of Transportation and all required permits obtained.
- As part of the subdivision process, the portion of land now being transferred to tax lot 24 be rezoned to CS so that the entire new parcel is within the same zoning designation.

7. Rockland County Department of Health reviewed the Subdivision Plan and found that no Rockland County Health Department approvals are needed for this application.

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

9. 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
- Town of Orangetown Zoning Board of Appeals

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

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

12. All of the conditions of this decision, shall be binding upon the owner of the subject property, its successors and /or assigns, including the requirement to maintain the property in accordance with the conditions of this decision and the requirement, if any, to install improvements pursuant to Town Code §21. Failure to abide by the conditions of this decision as set forth herein shall be considered a violation of Subdivision Plan Approval pursuant to Town Code §21 and §6A.

13. **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:

TOWN CLERKS OFFICE

2015 MAR 17 PM 11 44

TOWN OF ORANGETOWN

PB#14 - 46: Walgreens Resubdivision Plan - Preliminary Approval Subject to Conditions/ Neg. Dec.

**Town of Orangetown Planning Board
February 11, 2015
Page 9 of 10**

Continuation of Condition #13....

- 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.

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

15. Prior to the commencement of any site work, including the removal of trees, the applicant shall install the soil erosion and sedimentation control as required by the Planning Board. Prior to the authorization to proceed with any phase of the site work, the Town of Orangetown Department of Environmental Management and Engineering (DEME) shall inspect the installation of all required soil erosion and sedimentation control measures. The applicant shall contact DEME at least 48 hours in advance for an inspection.

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

TOWN CLERKS OFFICE
2015 MAR 17 PM 11 44
TOWN OF ORANGETOWN

PB#14 - 46: Walgreens Resubdivision Plan - Preliminary Approval Subject to Conditions/ Neg. Dec.

**Town of Orangetown Planning Board
February 11, 2015
Page 10 of 10**

17. If the applicant, during the course of construction, encounters such conditions as flood areas, underground water, soft or silty areas, improper drainage, or any other unusual circumstances or conditions that were not foreseen in the original planning, such conditions shall be reported immediately to DEME. The applicant shall submit their recommendations as to the special treatment to be given such areas to secure adequate, permanent and satisfactory construction. DEME shall investigate the condition(s), and shall either approve the applicant's recommendations to correct the condition(s), or order a modification thereof. In the event of the applicant's disagreement with the decision of DEME, or in the event of a significant change resulting to the subdivision plan or site plan or any change that involves a wetland regulated area, the matter shall be decided by the agency with jurisdiction in that area (i.e. Wetlands - U.S. Army Corps of Engineers).

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

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

20. 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 William Young and carried as follows: Kevin Garvey, aye; Bruce Bond, aye; Michael Mandel, nay; William Young, aye; Robert Dell, nay; Thomas Warren, absent 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: February 11, 2015
Cheryl Coopersmith
Chief Clerk Boards and Commissions
Town of Orangetown Planning Board
Attachment



TOWN CLERKS OFFICE

2015 MAR 17 PM 11 44

TOWN OF ORANGETOWN

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

Walgreens Resubdivision Plan - Preliminary Approval Subject to
Conditions/ Neg. Dec.

Town of Orangetown Planning Board Decision
February 11, 2015

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: Walgreens Resubdivision Plan - Preliminary Approval
Subject to Conditions

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

DESCRIPTION OF ACTION: Resubdivision Plan Review

LOCATION: The site is located at 81 Route 303, Tappan, New York; Sparkill,
Town of Orangetown, Rockland County, New York and as shown on the
Orangetown Tax Map as Section 77.15, Block 1, Lot 24 & 25 in the Route 303
Overlay Zone and CC & CO zoning districts.

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

TOWN CLERKS OFFICE

2015 MAR 17 PM 11 44

TOWN OF ORANGETOWN

PB#14 - 24: Walgreens Site Plan: Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec.

Town of Orangetown Planning Board
February 11, 2015
Page 1 of 19

TO: Antimo Del Vecchio, Beattie Padovano, 50 Chestnut Ridge Road,
Suite 208, Montvale, New Jersey 07645
FROM: Orangetown Planning Board

RE: Walgreens Site Plan: The application Landmark Tappan, LLC, applicant for Super Power, Inc. owner, (Antimo Del Vecchio, attorney for the applicant) for Prepreliminary/ Preliminary Site Plan Review, at a site to be known as "**Walgreens 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 81 Route 303, in the Route 303 Overlay Zone, Tappan, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 77.15, Block 1, Lot 24 in the CS zoning district.

Heard by the Planning Board of the Town of Orangetown at meetings held **Wednesday, May 14, October 22, December 10, 2014 and February 11, 2015** the Board made the following determinations:

May 14, 2014

Thomas Tourso, Andy Del Vecchio, Robert Freud and Gary Dean appeared and testified

The Board received the following communications:

1. A Project Review Committee Report dated May 7, 2014.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, dated May 14, 2014, signed by John Giardiello, P.E., Director.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, dated May 8, 2014, signed by Bruce Peters, P.E.
4. A letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated May 14, 2014.
5. A letter from Rockland County Drainage Agency, signed by Vincent Altieri, Executive Director, dated April 28, 2014.
6. Letters from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated April 14, 2014.
7. A letter from Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer, dated April 14, 2014.
8. A letter from the New York State Department of Transportation, signed by Mary Jo Russo, Rockland County Permit Engineer, dated May 7, 2014.
9. A letter from the Town of Orangetown Zoning Board of Appeals, signed by Dan Sullivan, dated April 16, 2014.

TOWN CLERKS OFFICE

2015 MAR 17 PM 11 44

TOWN OF ORANGETOWN

PB #14 - 24: Walgreens Site Plan: Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec.

**Town of Orangetown Planning Board
February 11, 2015
Page 2 of 19**

10. A Short Environmental Assessment Form, signed by Thomas Tourso, dated April 21, 2014.
11. List of Zoning Board of Appeals variances requested, prepared by Landmark Tappan, LLC.
12. A copy of PB #13-40: Consultation, dated October 16, 2013.
13. A copy of the Stormwater Pollution Prevention Plan, prepared by Dynamic Engineering, dated December, 2013.
14. A Traffic Impact Assessment, prepared by Dolan & Dean, dated April 4, 2014.
15. Site Plans prepared by Dynamic Engineering Consulting, PC., dated December 18, 2013:
 - Sheet 1 of 14: Cover Sheet
 - Sheet 2 of 14: Aerial Map
 - Sheet 3 of 14: Demolition Plan
 - Sheet 4 of 14: Site Plan
 - Sheet 5 of 14: Grading and Drainage Plan
 - Sheet 6 of 14: Drainage and Utility Plan
 - Sheet 7 of 14: Landscape Plan
 - Sheet 8 of 14: Lighting Plan
 - Sheet 9 of 14: Soil Erosion and Sediment Control Plan
 - Sheet 10 of 14: Construction Detail
 - Sheet 11 of 14: Construction Detail
 - Sheet 12 of 14: Construction Detail
 - Sheet 13 of 14: Construction Detail
 - Sheet 14 of 14: Vehicle Circulation Plan
16. Architectural Plans prepared by Dietz Partnership, dated January 2, 2014, last revised February 26, 2014:
 - A-1: Floor Plans
 - A-2: Floor Plans
17. Property Survey prepared by Gallas Surveying Group, dated August 30, 2013, last dated September 30, 2013.
18. Email from Tom Jones, abutting property owner, dated March 4, 2014.
19. Emails from Denis Fitzpatrick, area resident, dated May 13, 2014.

The Board reviewed the plan.

The hearing was then opened to the Public.

TOWN CLERKS OFFICE
2015 MAR 17 PM 11 44
TOWN OF ORANGETOWN

PB #14 - 24: Walgreens Site Plan: Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec.

**Town of Orangetown Planning Board
February 11, 2015
Page 3 of 19**

Public Comments:

Lewis Verde, Attorney representing abutting property owners Tom Jones and Michael Hyde of 165 Oak Tree Road, Tappan; raised concerns regarding the placement of the proposed drive-in window near their property, allowing vehicle headlights to shine into their house. Mr. Verde noted that the prior use was an auto repair shop, which generated little traffic, operated from 9:00 a.m. to 5:00 p.m. and was closed on Saturdays. He also raised concerns with tractor trailer trucks existing out onto Oak Tree Road.

Scott Wheatly, 38 Lexington Road, Tappan; appearing as a homeowner; Mr. Wheatly noted that he was an employee of the Rockland County Department of Highways and a sitting member of the Town of Orangetown Historic Areas Board of Review. He submitted a letter to the Board entitled "Proposed Walgreens @ 303 Tappan". Mr. Wheatly discussed roadway widening and turning lanes on Route 303 and Oak Tree Road and the size of the proposed site signage.

Eileen Larken, 15 Horne Tooke Road, Palisades; expressed concerns regarding the propose use of the site. She submitted a hand drawn map and notes to the Board. Mrs. Larken believed that the traffic at the intersection of Route 303 and Oak Tree Road would increase and have a significant impact to the area roadways. She discussed the answers in the Short Environmental Assessment Form.

The Board requested that an independent Traffic Consultant be hired to conduct a traffic study of the site.

The applicant requested a CONTINUATION.

October 22, 2014

Thomas Tourso, Andy Del Vecchio, Robert Freud and Gary Dean appeared and testified

The Board received the following communications:

1. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, dated October 22, 2014, signed by John Giardiello, P.E., Director.
2. Interdepartmental memorandums from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, dated October 17 & 22, 2014, signed by Bruce Peters, P.E.
3. An Interdepartmental memorandum from James Dean, Superintendent of Highways, Town of Orangetown, dated October 20, 2014.
4. A letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated October 22, 2014.
5. A letter from Rockland County Department of Planning, signed by Douglas J. Schuetz, Acting Commissioner of Planning, dated October 16, 2014.

TOWN CLERKS OFFICE

2015 MAR 17 PM 11 44

TOWN OF ORANGETOWN

PB #14 - 24: Walgreens Site Plan: Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec.

Town of Orangetown Planning Board

February 11, 2015

Page 4 of 19

6. A letter from Rockland County Department of Highways, signed by Sonny Lin, P.E., dated October 20, 2014.
7. A letter from Rockland County Sewer District No.1, signed by Joseph LaFiandra, Engineer II, dated September 30, 2014.
8. A letter from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated September 25, 2014.
9. An interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, dated May 20, 2014, signed by Michael B. Bettmann, Chief Fire Inspector.
10. A letter from the New York State Department of Transportation, signed by Joseph Taylor, Permit Engineer, NYSDOT Rockland County Residency, dated October 22, 2014.
11. A copy of the Stormwater Pollution Prevention Plan, prepared by Dynamic Engineering, dated September 2014.
12. A copy of A Drainage Report, prepared by Dynamic Engineering, dated December 2013.
13. Site Plans prepared by Dynamic Engineering Consulting, PC., dated December 18, 2013, last revision date of September 2, 2014, unless noted:
 - Sheet 1 of 14: Cover Sheet
 - Sheet 2 of 14: Aerial Map
 - Sheet 3 of 14: Demolition Plan
 - Sheet 4 of 14: Site Plan
 - Sheet 5 of 14: Grading and Drainage Plan
 - Sheet 6 of 14: Drainage and Utility Plan,
 - Sheet 7 of 14: Landscape Plan
 - Sheet 8 of 14: Lighting Plan
 - Sheet 9 of 14: Soil Erosion and Sediment Control Plan
 - Sheet 10 of 14: Construction Detail
 - Sheet 11 of 14: Construction Detail, last revised August 2, 2014
 - Sheet 12 of 14: Construction Detail
 - Sheet 13 of 14: Construction Detail
 - Sheet 14 of 14: Vehicle Circulation Plan, last revised August 2, 2014
14. Copy of the Traffic Impact Study, prepared by Maser Consulting P.A., dated June 24, 2014, with attachment of a letter dated June 24, 2014 signed by John T. Collins, Ph.D., P.E.
15. Email from Scott Wheatly, dated October 16, 2014.
16. Email from Denis Fitzpatrick, dated October 16, 2014.

TOWN CLERKS OFFICE

2015 MAR 17 PM 11 44

TOWN OF ORANGETOWN

PB #14 - 24: Walgreens Site Plan: Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec.

Town of Orangetown Planning Board

February 11, 2015

Page 5 of 19

The Board reviewed the plans.

Dr. John Collins, P.E., presented the Traffic Impact Study, prepared by Maser Consulting P.A., dated June 24, 2014. The Board requested that the consultant review additional information relating to the traffic impact to the surrounding residential areas.

Public Comments:

Scott Wheatly, 38 Lexington Road, Tappan; raised concerns regarding that the development did not include any off-site improvements. Mr. Wheatly agreed with the improvements requested by New York State Department of Transportation. He presented photographs to the Board of the placement of a bus shelter and submitted a drawing noting an increase in a turning lane along Oak Tree Road.

John Queuevo, 33 Lexington Road, Tappan, questioned the Board if any environmental studies had been completed; traffic, noise, etc. He discussed the traffic back up on Lexington Road and requested that the Town make Lexington road a restricted one way road. Mr. Queuevo noted that he has been involved with the Town of Orangetown since 1968 in trying to slow down the traffic on Lexington Road. Now with the development of Walgreens and the possibility of 500 cars a day using the site, Lexington Road and the surrounding neighborhood would be significantly impacted.

Frank Kennedy, 27 Lexington Road, Tappan; asked for clarification regarding the direction of cars leaving and entering the project site.

Eileen Larken, 15 Horne Tooke Road, Palisades; raised concerns regarding the Traffic Study completed by Maser Engineering. She discussed the existing and increased truck traffic on Route 303.

Margaret Morrone, 19 Lexington Road, Tappan; questioned the Board regarding the vehicular turns out of the site onto Lexington Road.

Paul Winkelmeyer, 43 Lexington Road, Tappan; expressed concerns that the roadway system in the area is already congested and that with the construction of Walgreens the traffic to Lexington Road will be substantially impacted. He suggested that the Town make Lexington Road a one way road.

TOWN OF ORANGETOWN
2015 MAR 17 PM 11 44
TOWN CLERKS OFFICE

PB #14 - 24: Walgreens Site Plan: Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec.

**Town of Orangetown Planning Board
February 11, 2015
Page 6 of 19**

A motion was made to close the Public Hearing portion of the meeting by Thomas Warren 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 and Stephen Sweeney, aye.

A motion was made to reopen the Public Hearing portion of the meeting 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 and Stephen Sweeney, aye.

The applicant requested a **CONTINUATION**.

December 10, 2014

Andy Del Vecchio and Robert Freud appeared and testified

The Board received the following communications:

1. A Project Review Committee Meeting Report dated December 3, 2014.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, dated December 10, 2014, signed by John Giardiello, P.E., Director.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, dated December 4, 2014, signed by Bruce Peters, P.E.
4. Copy of an Amendment to the Traffic Impact Study, "Lexington Road Study", prepared by Maser Consulting P.A., ., dated December 2, 2014 signed by John T. Collins, Ph.D., P.E.
5. An Email from James Dean, Superintend of Highways, Town of Orangetown, dated December 10, 2014.

The Board reviewed the plan.

Dr. John Collins, P.E., presented the Traffic Impact Study, prepared by Maser Consulting P.A., dated December 2, 2014

The hearing was then opened to the Public.

Public Comments:

Margaret Morrone, 19 Lexington Road, Tappan; discussed a prior traffic study prepared in 2002.

Scott Wheatly, 38 Lexington Road, Tappan; discussed the widening of Route 303 to increase access to the site and surrounding area. Mr. Wheatly discussed the landscaping of the site.

Peter Feller, 62 Closter Road, Tappan, raised concerns regarding traffic to the project site, noting that the surrounding smaller roads will be impacted.

TOWN CLERKS OFFICE
2015 MAR 17 PM 11 44
TOWN OF ORANGETOWN

PB #14 - 24: Walgreens Site Plan: Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec.

**Town of Orangetown Planning Board
February 11, 2015
Page 7 of 19**

Eileen Larken, 15 Horne Tooke Road, Palisades; presented the Board with a photograph of a large truck, the type that would be coming to the project site. Ms. Larken discussed the traffic circulation of Route 303 and Oak Tree Road.

Frank Kennedy, 27 Lexington Road, Tappan; held that the existing traffic create congestion on the roads and that the proposed development would increase the traffic to the area. He noted that the speed bumps placed in Lexington Avenue are gone.

Jane Slavin, 20 Jane Street, Tappan; a member of Rockland County Planning Board, however representing herself as a Tappan resident; held that the calming improvements to Lexington Avenue has created a significant traffic impact to Jane Street.

Helen Kennedy, 27 Lexington Road, Tappan; stated that Lexington Road currently has a significant traffic problem.

The applicant requested a **CONTINUATION**.

February 11, 2015

Andy Del Vecchio, Robert Freud and Gary Dean appeared and testified
The Board received the following communications:

1. A Project Review Committee Meeting Report dated February 4, 2015.
2. Interdepartmental memorandums from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, dated January 28 and February 11, 2015, signed by John Giardiello, P.E., Director.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, dated January 22, 2015, signed by Bruce Peters, P.E.
4. A letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated January 27, 2015.
5. A letter from Rockland County Department of Planning, signed by Douglas J. Schuetz, Acting Commissioner of Planning, dated December 18, 2015.
6. A Summary Report submitted by the Town of Orangetown Traffic Advisory Board, dated December 16, 2014.
7. An interdepartmental memorandum from the Highway Department, Town of Orangetown, dated January 21, 2015, signed by James J. Dean, Superintendent of Highways, with an email attachment dated December 10, 2014.
8. A letter from the New York State Department of Transportation, signed by Joseph Taylor, Permit Engineer, dated January 27, 2015.

TOWN CLERKS OFFICE

2015 MAR 17 PM 11 44

TOWN OF ORANGETOWN

PB #14 - 24: Walgreens Site Plan: Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec.

**Town of Orangetown Planning Board
February 11, 2015
Page 8 of 19**

- 9. Submitted at the meeting by the applicant; Site Plan Exhibit Rendering, prepared by Dynamic Engineering, dated February 10, 2015.
- 10. Submitted at the meeting by Eileen Larken, 15 Horne Tooke Road, Palisades; photographs.

The Board reviewed the plan.

The hearing was then opened to the Public.

Public Comments:

Public Comment:

Scott Wheatly, 38 Lexington Road, Tappan; discussed issues of possible gridlock on the roadways surrounding the proposed development. He requested information regarding the width of Route 303 and the configuration of the bus bump out and curb.

Margaret Morrone, 32 Lexington Road, Tappan; discussed past car accidents at the intersection of Route 303 and Oak Tree Road. In addition, she noted that the design of the proposed structure would change the historical significance of Tappan. Ms Morrone held that property values would decrease, pollution would increase as well as the overall quality of life would be impacted by the development of the site with Walgreen's.

John Quevedo, 33 Lexington Road, Tappan; discussed the past four years and increased traffic to the area. Speed bumps and signs did not deter speeders on the roadways. With Walgreens coming the neighborhood, studies show that there will be an increase in traffic to area. Mr. Quevedo requested information on the proposed exit/ entrances to the project site, the number and types of delivery trucks to the site

Frank Kennedy, 27 Lexington Road, Tappan; expressed concerns regarding the number and types of delivery trucks on a daily basis to the project site as well traveling along Lexington Road.

Eileen Larken, 15 Horne Tooke Road, Palisades; presented the Board with photographs of other Walgreen's sites. She wanted to know the time of daily delivery trucks to the site. Ms Larken reminded the Board that Oak Tree Road had been designated a Historic Road a number of years ago. Finally, she wanted to know if the applicant needed to apply for any zoning variances.

TOWN CLERKS OFFICE
2015 MAR 17 AM 11 45
TOWN OF ORANGETOWN

PB #14 - 24: Walgreens Site Plan: Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec.

**Town of Orangetown Planning Board
February 11, 2015
Page 9 of 19**

A motion was made to close the Public Hearing portion of the meeting by William Young, 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, absent and Stephen Sweeney, 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 Stephen Sweeney 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, 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 Dynamic Engineering Consulting, PC and having heard from the following offices, officials and/or Departments: (Town of Orangetown): Project Review Committee, Office of Building, Zoning, Planning Administration and Enforcement and Department of Environmental Management and Engineering; and having heard from the following involved and interested agencies: Town of Orangetown Zoning Board of Appeals, Rockland County Department of Health, Rockland County Sewer District No.1, Rockland County Drainage Agency, and having reviewed proposed Site Plans by prepared by Dynamic Engineering Consulting, PC, a summary of the reasons supporting this determination are, and the Planning Board finds, that the proposed action:

- Will not significantly affect existing air quality or noise levels;
- Will not significantly affect existing surface water quality or quantity or drainage;
- Will not significantly affect existing ground water quality or quantity;
- Will not significantly affect existing traffic levels;
- Will not create a substantial increase in solid waste production;

TOWN CLERKS OFFICE

2015 MAR 17 PM 11 45

TOWN OF ORANGETOWN

PB #14 - 24: Walgreens Site Plan: Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec.

**Town of Orangetown Planning Board
February 11, 2015
Page 10 of 19**

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

TOWN OF ORANGETOWN
2015 MAR 17 AM 11 45
TOWN CLERKS OFFICE

PB #14 - 24: Walgreens Site Plan: Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec.

**Town of Orangetown Planning Board
February 11, 2015
Page 11 of 19**

3. The following variances need to be sought from the Town of Orangetown Zoning Board of Appeals:

- The minimum number of parking spaces required is 66 spaces and 62 spaces are proposed. (CS District, Column 6).
- The Route 303 Overlay Zone District, Section 13. 10, "Nonresidential Areas", B.(4), Signage is not permitted within the 25 foot vegetated buffer. The proposed free standing sign is shown at 20 feet from the right of way line. Please label the 25 foot setback along Route 303 as the "Vegetative Buffer."
- The maximum signage area allowed is 40 square feet and 257.4 square feet is proposed. (CS District, Column 5, Number 6.(a)).
- An illuminated sign "visible through a transparent panel" is prohibited. (4.2 "additional regulations for signs and artificial lights", (e)).

4. A detail of the proposed "building mounted" signage shall be included on the plan.

5. The Short Environmental Assessment Form appears to be in order.

6. The Site Plan shall provide ADA compliant sidewalks along Oak Tree Road for the entire length of this property.

7. The proposed entrance/ exit along Route 303 shall be revised to be an entrance only for safety reasons, due to the multiple turning movement conflicts created by the two lane exit and its proximity to the intersection of Route 303 and Oak Tree Road. The New York State Department of Transportation has jurisdiction for the entrance/exit, however, the Town of Orangetown wishes to have its concerns noted.

8. The existing 4 inch sanitary building connection shall be depicted on the drawing and shown, and noted, to be cut and capped at the main in Oak Tree Road.

9. The revised SWPPP and drainage calculations are currently under review by DEME. However, the SWPPP does not appear to address Chapter 5 (Green Infrastructure) of the NYSDEC Stormwater Management Design Manual. The applicant's engineer shall revise the SWPPP to indicate how the proposed drainage plan will address the requirements of Chapter 5. DEME still recommends that the applicant's engineer investigate the possibility of a green roof as a way to satisfy the requirements of Chapter 5. An in depth/ formal review of the SWPPP shall be sent to the applicant's engineer under separate cover.

TOWN CLERKS OFFICE

2015 MAR 17 PM 11 45

TOWN OF ORANGETOWN

PB #14 - 24: Walgreens Site Plan: Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec.

Town of Orangetown Planning Board

February 11, 2015

Page 12 of 19

10. The exit onto Oak Tree Road appears to “push” vehicles turning right out of the parking lot heading east into the westbound lane of Oak Tree Road. The curb line radius, heading out northeast at the proposed driveway entrance/ exit onto Oak Tree Road, shall match (18 foot radius) the curb line heading northwest. The curb line at the eastern portion of the site, along Oak Tree Road, shall be “pulled back” to match the curb line along the rest of the northern border of the site while still keeping the gore strip between the new curbing and new sidewalk.

11. The applicant’s engineer shall investigate a “pull off area” for the proposed bus stop. In its current configuration, a bus that is stopped at the bus stop will block the east bound lane of Oak Tree Road, possibly causing vehicles behind it to block the Route 303/ Oak Tree Road intersection and/ or cause vehicles heading east, to travel in the eastbound lanes to pass the bus.

12. A post construction stormwater maintenance agreement (in accordance with NYSDEC Phase II regulations and the Town of Orangetown Town Code) 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. Contrary to the applicant’s engineers letter of response to the Planning Board, dated January 7, 2015, item #9 – page 2 of 2, the PCSMA is required to be submitted/ reviewed and approved prior to receiving a “sign off” for the SWPPP, which in turn needs to be accepted **prior** to the signing of the plant/ plan, **NOT** just prior to receiving building permits.

13. The revised soil erosion and sediment control plans and details are under review by DEME. However, the SESC plan (drawing #10) shows regrading happening beyond/ through the location of the silt fence which is to be installed near the south eastern portion of the southern property line, this is incorrect. The applicant’s engineer shall revise the SESC plan so that the SESC devices encompass ALL proposed work.

14. There appears to be an existing curb (poor condition) running between this lot and the lot the south (Lot #41), however, it is not shown on any of the drawings. This curbing shall be shown on at least the overall site plan (drawing #3). Also, is this curbing going to be replaced as part of the proposed project? To fully encompass the proposed “green area” (as shown on the landscape plan – drawing #8) between the subject lot and Lot #41?

TOWN CLERKS OFFICE
2015 MAR 17 AM 11 45
TOWN OF ORANGETOWN

PB #14 - 24: Walgreens Site Plan: Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec.

**Town of Orangetown Planning Board
February 11, 2015
Page 13 of 19**

15. Copies of all correspondence, including any and all approvals, with the New York State Department of Environmental Conservation, New York State Department of Transportation, Rockland County Department of Health, etc., in connection with this proposed Site Plan, which shall be supplied to the Planning Board and to DEME, **prior to signing the map.**

16. The metes and bounds for the property lines along Route 303, as well as the metes and bounds for the proposed R.O.W. Dedication, at the north eastern corner of the lot, shall be given on the plans.

17. The Monumentation along Route 303 and along Oak Tree Road, at proposed R.O.W. dedication, is incomplete. Monuments shall be drawn and labeled at all subdivision corners and along the **entire** right of way.

18. The application has provided sufficient 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 Walgreens Site Plan be approved for drainage subject to the following project comments.

This is the third drainage review report to the Planning Board for this project; the last review was dated May 13, 2014. The site is located at the southeast corner of the intersection of Route 303 and Oak Tree Road. A 10,088 SF Walgreens Pharmacy is proposed and an increase in impervious area of 5,828 square feet will result after construction of the site improvements. The site is mostly developed; a wooded area along the east property line is to remain. Stormwater runoff flows west towards Route 303 and north towards Oak Tree Road. A stormwater management system consisting of a Contech Stormfilter to address water quality concerns and an underground detention system are provided to mitigate against increases in stormwater runoff. The project addresses NYSDEC criteria for redeveloped sites.

Project Comments

1. As per the May 13, 2014 and October 22, 2014 reports, the proposed curbline along the southern property line shall not result in any ponding of water along the parking lot of the site to the south. Show that the easterly flowing drainage pattern to the woods is maintained. The Drainage Consultant recommends creating a swale south of the new curb at the southeast corner of the parking lot to prevent potential ponding on the property to the south.
2. As per the October 22, 2014 report, elevation information shall be added to the "Rain Tank Detail" on Drawing 10. Access of the system for maintenance and inspection shall be demonstrated. Is any crushed stone or filter fabric required for this system?
3. The proposed spot grades of elevations 40.3 and 40.45 at the southeast corner of the building shall be revised to provide a cross-slope across the parking lot. The proposed spot grade of 39.9 at the dumpster shall be revised to prevent a low spot.
4. The proposed top of curb and grate elevation at inlet #1 (at the south side of the Route 303 entrance) shall be lowered to provide a low point consistent with the proposed contours.
5. The revised drainage report received by Brooker Engineering on January 12, 2015 is still under review.

TOWN CLERK'S OFFICE
JAN 11 2015
TOWN OF ORANGETOWN

PB #14 - 24: Walgreens Site Plan: Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec.

**Town of Orangetown Planning Board
February 11, 2015
Page 14 of 19**

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

- An updated review shall be completed by the New York State Department of Transportation and all required permits obtained. In addition, all comments in their May 7, 2014 letter must be satisfactorily addressed.
- The letter dated September 18, 2014 letter from Antimo Del Vecchio of Beattie Padovano, LLC discusses the changes to the Site Plan, and how the layout now better confirms with the Orangetown zoning ordinance. However, no discussion is provided as to why an interconnection is not provided or being sought as required in the Route 3030 Overlay Zone and as suggested by the NYSDOT. This could help to reduce the number of access points along the State highway and provide better circulation between the commercial businesses.
- Fields of illumination from proposed onsite lighting sources shall not extend beyond the property line and into the state right of way.
- The fire zones must be clearly marked on the site. Access to the fire zones shall be unimpeded by other parking areas and maneuverability on the site feasible.
- The fire department connections shall be designated on the site plan and kept clear for easy access by the emergency response vehicles.
- All proposed signage shall conform to the municipalities sign standards.
- Public sewer mains requiring extensions within a right of way or an easement shall be reviewed and approved by Rockland County Department of Health prior to construction.
- 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. A letter from the public water supplier, stamped and sealed by a NYS licensed professional engineer, shall be issued to the municipality for this project, certifying that there will be a sufficient water supply during peak demand periods and in a drought situation.

TOWN CLERKS OFFICE
2015 MAR 17 AM 11 45
TOWN OF ORANGETOWN

PB #14 - 24: Walgreens Site Plan: Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec.

**Town of Orangetown Planning Board
February 11, 2015
Page 15 of 19**

Continuation of Condition #19...

- If any public water supply improvements are required, engineering plans and specification for these improvements shall be reviewed by the Rockland County Department of Health, prior to construction. In order to complete an application for approval of plans for public water supply improvements, the water supplier must supply an engineer's report pursuant to the "Recommended Standards for Water Works, 2003 Edition," that certifies their ability to serve the proposed project while meeting the criteria contained within the Recommended Standards for Water Works. These standards are adopted in their entirety in 10 NYCRR, Subpart 5-1, the New York State regulations governing public water systems. Both the application and supporting engineer's report must be signed and stamped by a NYS licensed professional engineer and shall be accompanied by a completed NYS Department of Health Form 348, which must be signed by the public water supplier.
- The Rockland County Department of Planning requests the opportunity to review any variances that may be requested from the Town of Orangetown Zoning Board of Appeals in order to implement the revised Site Plan, as required by New York State General Municipal Law, Section 239-m, (a)(v).
- It has been brought to the attention of Rockland County Department of Planning that two bus routes served by Coach USA, Bus Route 9A and Route AT traverse on Oak Tree Road. Currently there is no bus pull-off, so when a bus stops to discharge or pick up passengers, vehicles pass the busses, crossing the double yellow line. This creates a very unsafe situation, and could result in collisions. Although the County does not have a requirement for bus pull-offs, it is suggested that the Town require the applicant to incorporate a pull-off into the site plan design, which would allow the buses to fully exit the travel lanes to pick up or discharge bus passengers safely, and without crossing the double yellow line.

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

1. The 11 parking spaces reserved for bank parking spaces on Walgreen's property not be reserved, so that they would be available for use by these for which they are most convenient.
2. The additional 50' acquired east of the property shall serve as an opportunity to extend the west bound left turn lane further to provide longer stacking lane for Walgreen's entry.

TOWN CLERKS OFFICE

2015 MAR 17 PM 11 45

TOWN OF ORANGETOWN

PB #14 - 24: Walgreens Site Plan: Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec.

**Town of Orangetown Planning Board
February 11, 2015
Page 16 of 19**

Continuation of Condition #20...

- 3. It is desirable to widen the right turn lane on north bound Route 3030 at Oak Tree Road junction to at least 11' plus 1' paved shoulder and extend the land to accommodate 2 cars. Grass strip next to the concrete curb at the area above shall be eliminated.
- 4. Consider moving bus shelter back further to make room for concrete sidewalk continuation and better traffic flow. By doing so, easement agreement will have to be reached to get into the existing right of way. Behind the bus shelter, ballads will need to be installed to protect the parked cars on Walgreen's parking lot.

21. Rockland County Department of Health reviewed the Site Plan and found that the application for the storm water management system for compliance with the County Mosquito Code has been made and obtained by the applicant. There are no other Rockland County Health Department approvals needed for this application.

22. Based upon Rockland County Drainage Agency (RCDA) evaluation of available mapping and information submitted, it has been determined that the proposed activity is outside the jurisdiction of the RCDA. Therefore, a permit from the RCDA pursuant to the Rockland County Stream Control Act, Chapter 846, is not required based upon its review of the information provided.

23. 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.

24. The New York State Department of Transportation (NYSDOT) reviewed the proposed subject property and offered the following comments:
The NYSDOT requires a set of plans showing the locations and types of all traffic signs relating to the entrance and exit from Route 303.

- Left turns onto Route 303 from the property as well as left turns onto the property from Route 303 shall be prohibited. Provide details of how the applicant plans to address the prohibiting of left turns to and from the property. Note: a "NO left turn" sign shall be located opposite the driveway and visible to motorists entering Route 303).
- The plans show that the vehicles turning into the property from Route 303 north bound will have to use the shoulders; Department policy prohibits vehicles from traveling on the shoulders. Provide details, site plan, pavement markings and pavement sections, of how the applicant plans to address this concern.
- NYSDOT field review of the site confirms that there is a connection from the headwall at the stream and the inlet on Oak Tree Road about 15' north of the headwall. Verify and show on the plans; as the inlet on Route 303 has been connected to the inlet in question.

TOWN CLERKS OFFICE

2015 MAR 17 PM 11 45

TOWN OF ORANGETOWN

PB #14 - 24: Walgreens Site Plan: Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec.

**Town of Orangetown Planning Board
February 11, 2015
Page 17 of 19**

25. The Town of Orangetown Fire Prevention Bureau (Bureau) had the following comments:

- Install and maintain an NFPA 72 compliant Fire Alarm System; connected to Rockland County 44-Control, with amber strobe as per Town of Orangetown Town Code.
- Provide plans for the required Fire Alarm System to the Bureau for approval before work begins.
- Install and maintain portable fire extinguishers as required by NFPA 10.
- Provide Emergency Lighting as per NEC.
- Provide parking bollards to prevent vehicle damage to the building wherever "pull in parking" is shown on the Site Plan.
- Show "No Parking/Fire Zones" on Final Approved Site Plan. Maintain striping and signage for same Fire Zones.
- Apply for and maintain a Certificate of Compliance Fire Safety with the Town of Orangetown Bureau of Fire Prevention.

26. 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
- Town of Orangetown Zoning Board of Appeals
- Rockland County Drainage Agency

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

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

29. 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 MAR 17 PM 11 45

TOWN OF ORANGETOWN

PB #14 - 24: Walgreens Site Plan: Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec.

**Town of Orangetown Planning Board
February 11, 2015
Page 18 of 19**

30. 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.

31. 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.

32. 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.

TOWN CLERKS OFFICE
2015 MAR 17 PM 11 45
TOWN OF ORANGETOWN

PB #14 - 24: Walgreens Site Plan: Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec.

**Town of Orangetown Planning Board
February 11, 2015
Page 19 of 19**

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

34. 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).

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

36. 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

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

DECISION: In view of the foregoing and the testimony before the Board, the application was granted the **Site Plan APPROVAL FOR OUTDOOR LOADING BERTHS.**

The foregoing Resolution was made and moved by Bruce Bond and seconded by William Young and carried as follows: Kevin Garvey, aye, Bruce Bond, aye; Michael Mandel, nay; William Young, aye; Robert Dell, nay; Thomas Warren, absent 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: February 11, 2015

Cheryl Coopersmith
Chief Clerk Boards and Commissions
Attachment



TOWN CLERKS OFFICE
2015 MAR 17 AM 11 45
TOWN OF ORANGETOWN

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

**Walgreens Site Plan Preliminary Site Plan Approval Subject to Conditions/
Neg. Dec.
February 11, 2015
Town of Orangetown Planning Board Decision**

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: Walgreens Site Plan Preliminary 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 81 Route 303, Tappan, New York; Sparkill, Town of Orangetown, Rockland County, New York and as shown on the Orangetown Tax Map as Section 77.15, Block 1, Lot 24 in the Route 303 Overlay Zone and CC 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

TOWN CLERKS OFFICE
2015 MAR 17 PM 11 45
TOWN OF ORANGETOWN