

**Meeting of January 29, 2014
TOWN OF ORANGETOWN PLANNING BOARD**

MEMBERS PRESENT: Kevin Garvey, Chairperson; William Young; Michael Mandel; John Foody; Jeffrey Golda and Robert Dell

MEMBERS ABSENT: Bruce Bond

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, Chairperson 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:

Mundt Site Plan Prepreliminary/ Preliminary/ Final Site Plan and SEQRA Review Critical Environmental Area 66.17/1/ 27; R-22 zoning district	Continued: Needs Drainage	PB #14 - 07
Walther Subdivision Plan Final Subdivision Plan Review Palisades Historic District 78.17/2/20; R-40 zoning district	Final Subdivision Plan Approval Subject to Conditions	PB #14 - 08
Deans Subdivision Plan Final Subdivision Plan Review 77.07/2/26; R-15 zoning district	Final Subdivision Plan Approval Subject to Conditions	PB #14 - 09
Tracey Subdivision Plan 90 Day Extension to File the Subdivision Plan With the Rockland County Clerk's Office 70.19/2/6; R-15 zoning district	90 Day Extension Granted	PB #14 - 10

The decisions of the January 15, 2014 Planning Board Meeting was reviewed, edited, and approved. The motion for adoption was made and moved by William Young and seconded by John Foody and carried as follows: William Young, aye; Kevin Garvey, aye, Jeffrey Golda, aye, Robert Dell, aye; Bruce Bond, absent; Michael Mandel, abstain and John Foody, 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 Michael Mandel and agreed to by all in attendance. The meeting was adjourned at 8:05 p.m. The next Planning Board meeting is scheduled for February 26, 2014.

**DATED: January 29, 2014
Town of Orangetown Planning Board**

Cheryl Coopersmith

TOWN CLERKS OFFICE

2014 MAR 3 PM 12 45

TOWN OF ORANGETOWN

**PB #14-08: Walther Minor Subdivision; Final Subdivision Plan Approval
Subject to Conditions**

**Town of Orangetown Planning Board Decision
January 29, 2014
Page 1 of 7**

TO: Donald Brenner, P.E., LL.B., 4 Independence Avenue, Tappan,
New York 10983
FROM: Orangetown Planning Board

RE: Walther Minor Subdivision Plan: The application of Sue Walther, owner, for Final Subdivision Plan Review (Donald Brenner, attorney for the owner), at a site to be known as "**Walther Minor Subdivision Plan**", located in the Palisades Historic District, in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21 of the Code of the Town of Orangetown. The site is located at 694 Oak Tree Road, Palisades, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 78.17, Block 2, Lot 20 in the R-40 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, January 29, 2014**, the Board made the following determinations:

Jay Greenwell, William Walther, Donald Brenner and Sarah Torrens appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated January 22, 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 January 29, 2014.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., January 23, 2014.
4. A letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated January 28, 2014.
5. A letter from Rockland County Department of Planning, signed by Thomas Vanderbeek, P.E., Commissioner of Planning, dated January 13, 2014.
6. A letter from the Rockland County Department of Highways, signed by Sonny Lin, P.E., January 21, 2014.
7. A letter from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated December 24, 2013.
8. Subdivision Plan prepared by Jay Greenwell, PLS:

Sheet 1 of 3: Subdivision of Property, dated December 21, 2012, revision date of December 2, 2013

Sheet 2 of 3: Grading, Drainage & Utility Plan, dated December 21, 2012, revision date of December 2, 2013

Sheet 3 of 3: Detail Sheet, dated December 3, 2013

TOWN CLERKS OFFICE
2014 MAR 3 PM 12 45
TOWN OF ORANGETOWN

**PB #14-08: Walther Minor Subdivision; Final Subdivision Plan Approval
Subject to Conditions**

**Town of Orangetown Planning Board Decision
January 29, 2014
Page 2 of 7**

9. Copies of Board Decisions: ACABOR #13-45, Approved Subject to Conditions, dated September 9, 2013; ZBA #13-37, Lot Width for Lots 1 and 2; Front Yard, Side Yard, Total Side Yard, Building Height for Lot 1; Street Frontage for Lot 2 and Gravel Driveways for Lots 1 and 2; Approved, dated June 5, 2013 and PB# 13-11, Preliminary Subdivision Plan Approval Subject to Conditions, dated March 27, 2013.

Public Comment:

Xiaoshi Xing, 676 Oak Tree Road: raised concerns regarding the impact of the new development on his property.

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: Bruce Bond, absent; Michael Mandel, aye; William Young, aye; Robert Dell, aye; John Foody, aye; Jeffrey Golda, aye and Kevin Garvey, aye.

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

1. The following note shall be placed on the subdivision plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a Pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a Meeting."
2. Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.

TOWN OF ORANGETOWN
2014 MAR 3 PM 12 45
TOWN CLERKS OFFICE

**PB #14-08: Walther Minor Subdivision; Final Subdivision Plan Approval
Subject to Conditions**

**Town of Orangetown Planning Board Decision
January 29, 2014
Page 3 of 7**

3. The applicant shall comply with all pertinent and applicable conditions from all previous Board Decisions: ACABOR #13-45, Approved Subject to Conditions, dated September 9, 2013; ZBA #13-37, Lot Width for Lots 1 and 2; Front Yard, Side Yard, Total Side Yard, Building Height for Lot 1; Street Frontage for Lot 2 and Gravel Driveways for Lots 1 and 2; Approved, dated June 5, 2013 and PB# 13-11, Preliminary Subdivision Plan Approval Subject to Conditions, dated March 27, 2013.

4. The note below the Rain Garden Detail (drawing #2) shall state that the homeowner shall be responsible for all future maintenance, cleaning and replanting of the rain garden (when necessary). This shall also be stated in the deed for this proposed lot.

5. The existing ditch that the new driveway crosses has been labeled as "to be filled". The applicant's engineer shall demonstrate or describe where the water from that ditch will now flow.

6. The Drainage Consultant to the Planning Board, Brooker Engineering reviewed the application and found the application sufficiently demonstrates that potential significant adverse impacts with respect to drainage can be mitigated. The consultant therefore recommends that the **Walther Subdivision be approved for drainage subject to the following comments:**

This is the third drainage review report to the Planning Board for this project; the last report was dated March 26, 2013. The property is on the north side of Oak Tree Road, across the street from Closter Road. The project is a proposed two lot subdivision; there is an existing house to remain along the Oak Tree Road frontage and the proposed lot is located behind the existing house. The property to the west is owned by the South Orangetown School District and there is an existing school building located about five feet from the property line.

A berm and swale are provided along the new driveway, between the driveway and school building. The berm and swale direct stormwater runoff to the wetland on the north side of the property, maintaining the existing drainage pattern.

Project Comments

1. The drainage report shall be updated to include the impervious area as per the latest subdivision plan. The applicant's engineer shall specifically address the low point of the site, which is adjacent to the northeast corner of the existing school just off the property line, and verify that there will be no increases at this location in peak runoff rates for the 2-, 10-, 50-, and 100-year design storms.
2. Maintenance of the swale and berm west of the driveway shall be included in the Stormwater Management Plan and shall be included in any deed covenants that are part of the subdivision.

TOWN CLERKS OFFICE

2014 MAR 3 PM 12 45

TOWN OF ORANGETOWN

**PB #14-08: Walther Minor Subdivision; Final Subdivision Plan Approval
Subject to Conditions**

**Town of Orangetown Planning Board Decision
January 29, 2014
Page 4 of 7**

Continuation of Condition #6...

3. The assumed impervious area for the new lot that is included in the drainage report shall be added as a map note on the Grading Plan. This will facilitate drainage review for compliance with the approved plan when an application is made for a building permit for the actual dwelling.
 4. Trees to be removed at the location of the new driveway shall be indicated.
 5. Soil percolation tests have been performed that showed a well-draining soil below a shallow layer of clay. The applicant may wish to incorporate this into the drainage design.
7. Rockland County Department of Planning had the following comments which are incorporated herein as conditions of approval:
- a. An updated review must be completed by the Rockland County Department of Highways and all required permits must be obtained.
 - b. As required by the Rockland County Stream Control Act, the subdivision plan must be reviewed and signed by the Chairman of the Rockland County Drainage Agency before the Rockland County Clerk can accept the plan to be filed.
 - c. As per the December 24, 2013 letter from the County of Rockland Department of Health, an application must be made to them for review of the storm water management system for compliance with the County Mosquito Code.
 - d. 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.
 - e. There shall be no net increase in stormwater runoff from the site at all design points.
8. Rockland County Highway Department of reviewed the plans and offered the following remarks:
- The application material should include a drainage report demonstrating zero net increase of storm water and a subdivision plan to meet New York State guidelines for soil erosion and sedimentation control. In addition, the Rockland County Highway Department found no adverse impact on the adjacent County Highway system. A Rockland County Highway Department Work Permit is required for the proposed development.
9. 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
2014 MAR 3 PM 12 45
TOWN OF ORANGETOWN

**PB #14-08: Walther Minor Subdivision; Final Subdivision Plan Approval
Subject to Conditions**

**Town of Orangetown Planning Board Decision
January 29, 2014
Page 5 of 7**

10. Based upon Rockland County Drainage Agency (RCDA) evaluation of available mapping and information submitted, the site has been determined to be outside the jurisdiction of the RCDA. Therefore, a permit from the RCDA pursuant to the Rockland County Stream Control Act would not be requested for any proposed construction at this site. The Rockland County Stream Control Act, Chapter 846, requires that all subdivision maps must be signed by the Chairman of the Rockland County Drainage Agency before the Rockland County Clerk will accept same for filing.

11. The Town of Orangetown Bureau of Fire Prevention reviewed the plans and offered the follow comments which are incorporated herein as conditions of approval:

- a. The entire length of the joined entrance way leading to the rear lot (lot #2, the newly created lot) must be a minimum of 20 feet wide and shall have no parking at all times.
- b. The driveway must be stabilized to support the weight of Fire Apparatus.

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

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

14. 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.

15. 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.

TOWN CLERKS OFFICE
2014 MAR 3 PM 12 45
TOWN OF ORANGETOWN

**PB #14-08: Walther Minor Subdivision; Final Subdivision Plan Approval
Subject to Conditions**

**Town of Orangetown Planning Board Decision
January 29, 2014
Page 6 of 7**

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

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

- One (1) foot radius from trunk per inch DBH
- Drip line of the Tree Canopy. The method chosen should be based on providing the maximum protection zone possible. A barrier of snow fence or equal is to be placed and maintained one yard beyond the established tree protection zone. If it is agreed that the tree protection zone of a selected tree must be violated, one of the following methods must be employed to mitigate the impact:

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

- Light Impacts Only – Installation of 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.

17. 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.

18. 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

2014 MAR 3 PM 12 45

TOWN OF ORANGETOWN

**PB #14-08: Walther Minor Subdivision; Final Subdivision Plan Approval
Subject to Conditions**

**Town of Orangetown Planning Board Decision
January 29, 2014
Page 7 of 7**

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

20. 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).

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

22. 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

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

The foregoing Resolution was made and moved by William Young and seconded by John Foody and carried as follows: Bruce Bond, absent; Kevin Garvey, aye; Michael Mandel, aye; William Young, aye; John Foody, aye; Robert Dell, aye and Jeffrey Golda, 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: January 29, 2014
Town of Orangetown Planning Board**



TOWN CLERKS OFFICE
2014 MAR 3 PM 12 45
TOWN OF ORANGETOWN

PB #14-09: Deans Subdivision; Final Subdivision Plan Approval Subject to Conditions

**Town of Orangetown Planning Board Decision
January 29, 2014
Page 1 of 7**

TO: Donald Brenner, P.E., LL.B., 4 Independence Avenue, Tappan,
New York 10983
FROM: Orangetown Planning Board

RE: Deans Subdivision Plan: The application of Jennifer and Allison Deans, owners, for Final Subdivision Plan Review (Donald Brenner, attorney for the owner), at a site to be known as "**Deans Subdivision Plan**", in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21 of the Code of the Town of Orangetown. The site is located at 30 Pine Tree Lane, Tappan, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 77.07, Block 2, Lot 26 in the R-15 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, January 29, 2014**, the Board made the following determinations:

Donald Brenner, Sarah Torrens, Allison Deans, Jennifer Deans and Jay Greenwell appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated January 22, 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 January 29, 2014.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated January 23, 2014.
4. A letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated January 28, 2014.
5. A letter from Rockland County Department of Planning, signed by Thomas Vanderbeek, P.E., Commissioner of Planning, dated January 17, 2014.
6. Letters from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated August 8, 2013 and January 13, 2014.
7. A letter from the New York State Department of Transportation, signed by Mary Jo Russo, P.E., Rockland County Permit Engineer, dated January 27, 2014.
8. Subdivision Plans prepared by Jay Greenwell, PLS, last revision date of December 5, 2013:
 - Sheet 1 of 3: Subdivision of Property, dated August 13, 2012
 - Sheet 2 of 3: Grading, Drainage & Utility Plan with Erosion Control, dated February 21, 2013
 - Sheet 3 of 3: Details, dated February 7, 2013
9. Prior Board Decisions: ACABOR #13-58, Approved Subject to Conditions, dated November 7, 2013; ZBA #13-69, Lot Width for Lots #3 and #4, Street Frontage for Lot #1 and Total Side Yard for Lots #1, #2, #3 and #4, Approved; and PB #13-14, Preliminary Subdivision Plan Approval Subject to Conditions, dated July 10, 2013.

TOWN CLERKS OFFICE

2014 MAR 3 PM 12 46

TOWN OF ORANGETOWN

PB #14-09: Deans Subdivision; Final Subdivision Plan Approval Subject to Conditions

**Town of Orangetown Planning Board Decision
January 29, 2014
Page 2 of 7**

The Board reviewed the plan.

The hearing was then opened to the Public.

Public Comments:

Margaret Guiliano, 283 Kings Highway, Tappan: raised concerns regarding the drainage problems that could be created on Pine Tree Lane.

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: Bruce Bond, absent; Michael Mandel, aye; William Young, aye; Robert Dell, aye; John Foody, aye; Jeffrey Golda, aye and Kevin Garvey, aye.

DECISION: In view of the foregoing and the testimony before the Board, the application was **Granted a Final Subdivision Plan Approval subject to the following Conditions:**

1. The following note shall be placed on the subdivision plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a Pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a Meeting."
2. Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.
3. The applicant shall comply with all pertinent and applicable conditions of previous Board Decisions: ACABOR #13-58, Approved Subject to Conditions, dated November 7, 2013; ZBA #13-69, Lot Width for Lots #3 and #4, Street Frontage for Lot #1 and Total Side Yard for Lots #1, #2, #3 and #4, Approved; and PB #13-14, Preliminary Subdivision Plan Approval Subject to Conditions, dated July 10, 2013.
4. The driveway sight distances for Lots #2, #3 and #4 are not 200 feet as per the Orangetown Code. Please clarify.
5. The drainage discharge for the roof drains cannot be directed to the street or abutting properties. The drainage discharge shall be placed into a drywell or other approved drainage structure.
6. Monuments shall be drawn and labeled at all subdivision corners along the entire right of way, where iron pins currently do not exist.

TOWN CLERKS OFFICE
2014 MAR 3 PM 12 46
TOWN OF ORANGETOWN

PB #14-09: Deans Subdivision; Final Subdivision Plan Approval Subject to Conditions

**Town of Orangetown Planning Board Decision
January 29, 2014
Page 3 of 7**

7. The proposed site distances at the driveway for Lot #4 (looking north 195') And the driveway for Lot #2 (looking south 125') are insufficient. The minimum sight distance required along local streets is 200 feet. The applicant may be able to achieve the required sight distance by reconfiguring/ relocating the proposed driveways.

8. The Drainage Consultant to the Planning Board, Brooker Engineering reviewed the application and found the application sufficiently demonstrates that adverse impacts with respect to drainage can be mitigated. The consultant therefore recommends that the Deans Subdivision be approved for drainage subject to the following comments:

Project Description

This is the drainage consultant's second drainage review report to the Planning Board for this project; the last review was dated April 5, 2013. The property is on the east side of Pine Tree Lane, approximately 300 feet south of Kings Highway. There is an existing dwelling and several accessory structures located on the property that are to be removed as a result of the proposed action. There is an existing ridge that runs in an east/west direction along the southern portion of the site (generally along the proposed side lot line between Lots 3 and 4). There is a high point along Pine Tree Road near the southern portion of the parcel. Stormwater runoff south of the east/west ridge flows southwest towards Pine Tree Road, which then flows south on Pine Tree Road. Stormwater runoff from the existing dwelling to be removed and main driveway servicing the dwelling (proposed Lot 3) flows west towards Pine Tree Road and then continues north on Pine Tree Road. There is a sloping hillside north of the dwelling to be removed; portions of the stormwater runoff in this area (Lots 1 and 2) flow north toward the lot to the north (tax lot 77.07-2-25) and portions flow northeast to tax lot 77.07-2-22. Increases in stormwater runoff due to additional impervious area are proposed to be mitigated by drywells to be maintained by the future homeowners. Total site disturbance is less than one acre; no Stormwater Pollution Prevention Plan is required and no post-construction water quality measures are required.

The revised plans show the proposed driveway for Lot 1 relocated to Pine Tree Lane, rather than utilizing the existing driveway to Kings Highway. Swales have been added between lots that clearly show the intended drainage pattern will direct runoff to Pine Tree Lane and reduce the amount of impervious area and drainage area that contributed stormwater runoff toward the two existing lots north of the property. The sanitary sewer for Lot 1 connects to the sanitary sewer in Pine Tree lane and avoids the connection to Kings Highway. The only disturbance in the portion of property fronting on Kings Highway will be to remove the existing driveway and plant this area with grass ground cover.

TOWN CLERKS OFFICE

2014 MAR 3 PM 12 46

TOWN OF ORANGETOWN

PB #14-09: Deans Subdivision; Final Subdivision Plan Approval Subject to Conditions

**Town of Orangetown Planning Board Decision
January 29, 2014
Page 4 of 7**

Continuation of Condition #8...

Project Comments

1. The roof leader discharge point for the front of the building on Lot 1 shall be extended closer to Pine Tree Lane, to ensure water flowing from this pipe will not be directed toward the existing off-site dwelling to the north.
2. Provide a typical swale detail; reference the detail on the plans where swales are noted.
3. The total impervious area for the property is included on Drawing 2. To facilitate drainage review during the building permit phase, this shall be broken down as assumed impervious area per lot.

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

1. As required by the Rockland County Stream Control Act, the subdivision plan must be reviewed and signed by the Chairman of the Rockland County Drainage Agency before the Rockland County Clerk can accept the plan to be filed.
2. The comments in the March 14, 2013 letter from the Rockland County Drainage Agency must be addressed.
3. An updated review shall be completed by the New York State Department of Transportation and any required permits obtained
4. There shall be no net increase in the peak rate of discharge from the site at all design points.
5. 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.

10. Based upon Rockland County Drainage Agency (RCDA) evaluation of available mapping and information submitted, the site has been determined to be outside the jurisdiction of the RCDA. Therefore, a permit from the RCDA pursuant to the Rockland County Stream Control Act would not be requested. However, the RCDA has concerns with respect to the potential impacts from the proposed project to the Sparkill Creek, a County regulated stream, and affected floodplains. Therefore, the RCDA recommends that the Town of Orangetown carefully review the proposal and ensure that it will not result in an increase in the rate of stormwater runoff from the site.

TOWN CLERKS OFFICE
2014 MAR 3 PM 12 46
TOWN OF ORANGETOWN

PB #14-09: Deans Subdivision; Final Subdivision Plan Approval Subject to Conditions

**Town of Orangetown Planning Board Decision
January 29, 2014
Page 5 of 7**

11. The Rockland County Stream Control Act, Chapter 846, requires that all subdivision maps must be signed by the Chairman of the Rockland County Drainage Agency before the Rockland County Clerk will accept same for filing.
12. The Rockland County Department of Health (RCDOH) reviewed the plans and found that there are no RCDOH approvals needed for this project. However, in the event that drywells are placed on the site, the applicant shall make application to the Rockland County Department of Health for review of the Stormwater Management system for compliance with the County Mosquito Code.
13. Along the southerly side of lot #4 increase the undisturbed area by 10 feet, on the easterly side beginning 20 feet east of the proposed foundation in order to protect existing trees. Add snow fencing in this area.
14. The proposed swale between lots #3 and #4 at contours 88 and 90 shall be relocated in order to save existing trees which shall be protected by snow fencing during construction.
15. The applicant shall comply with all pertinent items in the Guide to the Preparation of Subdivision Plats prior to signing the final plans.
16. All reviews and approvals from various governmental agencies must be obtained prior to stamping of the Subdivision Plan.
17. 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.
18. 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.
19. 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:

TOWN CLERKS OFFICE
2014 MAR 3 PM 12 46
TOWN OF ORANGETOWN

PB #14-09: Deans Subdivision; Final Subdivision Plan Approval Subject to Conditions

**Town of Orangetown Planning Board Decision
January 29, 2014
Page 6 of 7**

Continuation of Condition #19...

- 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.

20. 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.

21. 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.

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

TOWN CLERKS OFFICE
2014 MAR 3 PM 12 46
TOWN OF ORANGETOWN

PB #14-09: Deans Subdivision; Final Subdivision Plan Approval Subject to Conditions

Town of Orangetown Planning Board Decision

January 29, 2014

Page 7 of 7

23. 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).

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

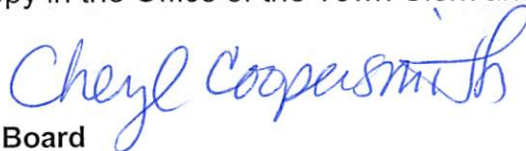
25. Prior (at least 14 days) to the placing of any road sub-base, the applicant shall provide the Town of Orangetown Superintendent of Highways and DEME with a plan and profile of the graded road to be paved in order that these departments may review the drawings conformance to the approved construction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

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

The foregoing Resolution was made and moved by William Young and seconded John Foody by and carried as follows: Bruce Bond, absent; Kevin Garvey, aye; Michael Mandel, aye; William Young, aye; John Foody, aye; Robert Dell, aye and Jeffrey Golda, 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: January 29, 2014
Town of Orangetown Planning Board



TOWN CLERKS OFFICE
2014 MAR 3 PM 12 46
TOWN OF ORANGETOWN

PB#14- 10: Tracey Subdivision – Granted 90 Day Extension to File the Subdivision with the Rockland County Clerk’s Office

**Town of Orangetown Planning Board Decision
January 29, 2014
Page 1 of 2**

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

RE: Tracey Subdivision Plan: The application of the Patricia and Michael Tracey, owners, (Donald Brenner, Attorney for the owner), for a 90 Day Extension to File the Subdivision Plan at the Rockland County Clerk’s Office, at a site to be known as “**Tracey Subdivision Plan**”, in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21 of the Code of the Town of Orangetown. The site is located at 525 Western Highway, Blauvelt, Town of Orangetown, Rockland County, New York and as shown on the Orangetown Tax Map as Section 70.18, Block 2, Lot 6 in the R-15 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, January 29, 2014**, at which time the Board made the following determinations:

Donald Brenner appeared and testified for the applicant.

The Board received the following communications:

1. Project Review Committee Report dated January 22, 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 January 29, 2014.
3. Interdepartmental memorandums from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated October 16 and January 23, 2014.
4. Copy of PB #12-36, Reapproval of Final Subdivision Plan Approval Subject to Conditions, dated July 18, 2012 and PB #13 – 04: Granted 1st 90 Day Extension to File the Subdivision with the Rockland County Clerk’s Office

There being no one to be heard from the Public, a motion was made to close the Public Hearing portion of the meeting by Robert Dell and second by William Young and carried as follows: Bruce Bond, absent; Kevin Garvey, aye; Michael Mandel, aye; William Young, aye; Robert Dell, aye; John Foody, aye and Jeffrey Golda, aye.

TOWN CLERKS OFFICE

2014 MAR 3 PM 12 46

TOWN OF ORANGETOWN

PB#14- 10: Tracey Subdivision – Granted 90 Day Extension to File the Subdivision with the Rockland County Clerk’s Office

**Town of Orangetown Planning Board Decision
January 29, 2014
Page 2 of 2**

DECISION: In view of the foregoing, the Board **GRANTED 90 Day Extension to File the Subdivision Plan with the Rockland County Clerk’s Office.**

The foregoing Resolution was made and moved by William Young and seconded by Michael Mandel and carried as follows: Kevin Garvey, aye; Bruce Bond, absent; Michael Mandel, aye; John Foody, aye; William Young, aye; Robert Dell, aye; and Jeffrey Golda, aye.

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

**Dated: January 29, 2014
Town of Orangetown Planning Board**



TOWN OF ORANGETOWN
2014 MAR 3 PM 12 46
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