

Meeting of March 13, 2013
TOWN OF ORANGETOWN PLANNING BOARD

MEMBERS PRESENT: Kevin Garvey, Chairperson; Bruce Bond; Michael Mandel and Jeffrey Golda

MEMBERS ABSENT: John Foody, William Young and Robert Dell
ALSO PRESENT: John Giardiello, Director, Department of Building, Zoning, Planning Administration and Enforcement; Robert Magrino, Deputy Town Attorney; Catherine LaBoe, 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:

New Items

Orangetown Shopping Center Site Plan PB #13-07
Consultation
74.10/1/67; CS zoning district

Henry Kaufmann Campground, Inc. PB #13-08
Master Plan Consultation
Postponed
69.14/1/28 & 69.10/2/21; R-80 zoning district

All County Properties LLC, Site Plan PB #13-09
Prepreliminary/Preliminary Site Plan
Preliminary Site
and SEQRA Review
Plan Approval Subject
74.07/1/29; LI zoning district
to Conditions Neg. Dec.

Continued Item from July 18, 2012 Meeting:
Organic Recycling – Outside Commercial PB #12-35
Subdivision of Space Plan
Continued:
Prepreliminary/ Preliminary/ Final Subdivision
Referred to ZBA
Plan and SEQRA Review
74.19/1/3; LI zoning district

Continued Item from December 12, 2012 Meeting:
One Ramland Road Site Plan Amendment PB #12-54
Prepreliminary/ Preliminary Site Plan
Continued
ad SEQRA Review
73.20/1/23 & 24; LIO zoning district.

Continued Items from November 28, 2012 Meeting:
Miele Subdivision Plan PB #12-19
Commercial Subdivision Plan
Preliminary Approval
Prepreliminary/ Preliminary/ Final
Subject to Conditions
Subdivision Plan and SEQRA Review
Neg. Dec.
74.18/3/32; LI & LO zoning districts

Miele Site Plan PB #12-20
Prepreliminary/ Preliminary
Preliminary Site Plan
Site Plan and SEQRA Review
Approval Subject to
74.18/3/32; LI & LO zoning districts
Conditions Neg. Dec.

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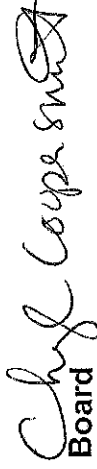
The decisions of the February 27, 2013 Planning Board Meeting was reviewed, edited and approved. The motion for adoption was made and moved by Michael Mandel and seconded by William Young and carried as follows: Kevin Garvey, aye; Bruce Bond, aye, Jeffrey Golda, aye; Robert Dell, aye; John Foody, absent; Michael Mandel, aye, and William Young, 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 9:15 p.m. The next Planning Board meeting is scheduled for March 27, 2013.

DATED: March 13, 2013

Town of Orangetown Planning Board



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PB #13-07: Orangetown Shopping Center Site Plan: Consultation

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**TO: Paul Tepfer, Norman Dichiaro Architects, P.E.,
102 Waller Avenue, White Plains, New York 10605**

FROM: Orangetown Planning Board

RE: Orangetown Shopping Center Site Plan: The application of John Cannon, Urstadt & Biddle Properties, Inc., owner, for a Consultation, at a site known as “**Orangetown Shopping Center 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 on the South side of Orangeburg Road, abutting Oak Street and Dutch Hill Road, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 74.10, Block 1, Lot 67 in the CS zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, March 13, 2013**, the Board made the following determinations:

Paul Tepfer, Chris Faffaelli, Bernard Adler, Doug Retch and John Cannon appeared and testified for the applicant.

The Board received the following communications:

1. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, dated March 13, 2013, signed by John Giardiello, P.E., Director.
2. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, dated March 8, 2013, signed by Bruce Peters, P.E.
3. Traffic Report prepared by Adler Consulting, dated February 22, 2013.
4. Stormwater Mitigation, Pollution Prevention Plan, prepared by Atlantic Consulting and Engineering, LLC, dated February 25, 2013.
5. ALTA/ACSM Land Title Survey prepared by Millman Land, dated November 28, 2011, last revised February 24, 2012.
6. Plans prepared by Atlantic Consulting & Engineering, dated February 27, 2013:

SD-1.0: Overall Layout Plan

SD-1.1: Layout Plan Enlargement

SD-2.0: Grading and Erosion Control Plan

SD-2.1: Grading and Drainage Plan Enlargement

No Public

CONSULTATION: In view of the foregoing and the testimony before the Board, the Board offered the following COMMENTS:

1. The applicant is proposing changes to the existing shopping center. A new entrance/ exist onto Orangeburg Road will need Rockland County Highway Department Approval.
2. The use of the proposed 2,500 square foot building pad shall be disclosed.

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3. The proposed reduction in parking spaces will require a variance from the Town of Orangetown Zoning Board of Appeals.
4. The Traffic Study shall include the impacts associated with a fast food occupancy and drive thru for the proposed 2,500 square foot building pad.
5. The Site Plan shall note the location of proper pedestrian cross walks.
6. The layout calls for allowing left hand turns from Orangeburg Road heading west into the site. DEME has serious concerns with allowing cars to cross 2 lanes of traffic to enter the shopping center. This would be adding another TWO points of conflict on Orangeburg Road and the potential for serious problems for those trying to enter the site and vehicles traveling east on Orangeburg Road.

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

Dated: March 13, 2013



Town of Orangetown Planning Board

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**PB #13-06: All County Properties Site Plan - Preliminary Site Plan Approval
Subject to Conditions; Neg. Dec.**

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

FROM: Orangetown Planning Board

RE: All County Properties, LLC Site Plan: The application of All County Properties, LLC, owner, (Patrick Loftus, attorney for the owner), for Preliminary/ Preliminary Site Plan Review, at a site known as "**All County Properties, LLC 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 11 Old School Lane, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 74.07, Block 1, Lot 29 in the LI zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, March 13, 2013** at which time the Board made the following determinations:

Robert Chiapperino, Jane Slavin and Jay Greenwell appeared and testified. The Board received the following communications:

1. Project Review Committee Report, dated March 6, 2013.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, dated March 13, 2013, signed by John Giardiello, P.E., Director.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, dated March 8, 2013, signed by Bruce Peters, P.E.
4. A letter from Brooker Engineering, dated March 5, 2013, with attachments, signed by Kenneth DeGennaro, P.E.
5. A letter from the Rockland County Department of Planning, dated February 19, 2013, signed by Thomas B. Vanderbeek, P.E., Commissioner of Planning.
6. A letter from Rockland County Sewer District #1, dated February 15, 2013, signed by Joseph LaFiandra, Engineer II.
7. A letter from the Rockland County Department of Highways, dated March 11, 2013, signed by Sonny Lin, P. E.,
8. A letter from the Rockland County Drainage Agency, dated February 25, 2013, signed by Vincent Altieri, Executive Director.
9. Letters from the Rockland County Department of Health, dated February 12 and 13, 2013, signed by Scott McKane, P.E., Senior Public Health Engineer.

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10. Letters from the New York State Department of Transportation, dated February 11, 2013, signed by Mary Jo Russo, Rockland County Permit Engineer.
11. A letter from the Town of Orangetown Zoning Board of Appeals, dated January 16, 2013 signed by Daniel W. Sullivan, Chairman.
12. A Short Environmental Assessment Form, dated February 2, 2013, signed by Jay Greenwell, PLS.
13. All County Properties, LLC Site Plans prepared by Jay Greenwell, PLS, LLC:
Sheet 1: Site Plan – Proposed Building, dated November 26, 2012,
revised December 4, 2012
Sheet 2: Detail Sheet, dated November 30, 2012

The Board reviewed the plans.

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

SEQRA

The proposed action is classified as an “unlisted action” as defined by Section 617.2 (ak) of the New York State Environmental Quality Review Regulations (SEQRR). No agency, other than the Orangetown Planning Board will have any significant involvement in the review process, pursuant to Section 617.6 of SEQRA.

On motion by Bruce Bond and seconded by Jeffrey Golda and carried as follows: Kevin Garvey, aye; Bruce Bond, aye; William Young, absent; Robert Dell, absent; John Foody, absent; Michael Mandel, aye and Jeffrey Golda, 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.

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**PB #13- 06: All County Properties Site Plan - Preliminary Site Plan Approval
Subject to Conditions; Neg. Dec.**

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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 Jane Slavin, RA, and the Town of Orangetown's engineering consultant, Brooker Engineering, and having heard from the following offices, officials and/or Departments: (Town of Orangetown): Project Review Committee, Zoning Board of Appeals, 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: Rockland County Department of Highways, Rockland County Department of Health, Rockland County Sewer, New York State Department of Transportation and having reviewed a proposed Site 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:

- 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 Bruce Bond and seconded by Jeffrey Golda and carried as follows: Bruce Bond, aye; Michael Mandel, aye; Robert Dell, absent; John Foody, absent; William Young, absent; Jeffrey Golda, aye and Kevin Garvey, aye the Board made a Negative Declaration pursuant to SEQRA.

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**PB #13- 06: All County Properties Site Plan - Preliminary Site Plan Approval
Subject to Conditions; Neg. Dec.**

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

1. The following note shall be placed on the Site Plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a meeting."
2. The following note shall be placed on the Site Plan regarding Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.
3. Item #11 of the Short Environmental Assessment Form shall be answered "No". The current use of the property is single family residence with a garage. There is no Certificate of Occupancy on file for the residence since it predated Building and Zoning codes. In addition, the business has no Certificate of Occupancy.
4. The use of the existing building shall be labeled on the Site Plan.
5. The Site Plan shows "existing open outdoor storage areas", however this was never approved by the Planning Board. An aerial image from Google Maps shows the parking/storage area as having vegetation. Therefore, a drainage system needs to be designed for the parking/storage area as well as for the proposed steel building.
6. The types of storage shall be labeled on the Site Plan.
7. No parking is permitted in any required yard unless permitted by any Board or Town Agency having jurisdiction. The Planning Board needs to review the parking in the yards.

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8. The following variances shall be sought from the Town of Orangetown Zoning Board of Appeals:
- A. A minimum side yard of 50 feet is required and 16 feet is proposed for the new building. The existing house is 32.1 feet from the side yard. (LI District, QQ, Column 9).
 - B. A maximum height allowed is 8 feet and 16 feet is proposed. (LI District, QQ, Column 12).
 - C. The following existing non-conforming items exist:
 - a. Minimum area required is 2 acres and 1.437 acres exist
 - b. Minimum street frontage required is 150 feet and 102.79 feet exists.
 - c. Minimum front yard required is 50 feet and 32.1 feet exists.
 - D. All storage of goods accessory to the use shall be within a completely enclosed building. A variance from the Town of Orangetown Zoning Board of Appeals needs to be sought to have the outside storage. (Use Regulations 3.11, LI district, Column 7, #5).
9. The drainage calculations are under review by DEME. However, an overflow shall be provided for the proposed drywell system.
10. The applicant shall define what is to be stored outside and where, since runoff from this site eventually enters the Sparkill Creek. The applicant shall demonstrate how grease/ oils/ gases, etc. from vehicles or equipment stored outside or inside shall be contained/ treated/ disposed of; to ensure that they do not enter the adjacent stream.
11. The ownership of the existing concrete tower, at the northwest corner of the property shall be given on the plans.
12. The instrument number(s) page and liber numbers(s) for all existing easements shall be given on the plans.

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13. The Drainage Consultant to the Planning Board, Brooker Engineering, concluded from its review that the application included sufficient supporting data to demonstrate that potential significant adverse impacts to stormwater runoff can be mitigated. The Consultant therefore recommends that the All Counties, LLC Site Plan be approved for drainage subject to the following Project Comments:

This is the first drainage review report to the Planning Board for this project. The property is on the north side of Old School Lane, east of Western Highway. The site is developed and used as a contractors' office and storage yard. There is an existing building and gravel parking/storage area on the site. Portions of the proposed new 5,000 square feet building are located over the existing gravel storage areas. Site disturbance is less than one acre and a drywell system is proposed to provide stormwater mitigation.

Project Comments

1. More detail shall be added to the Site Plan to show that stormwater runoff will be directed north around the proposed building and diverted south around the existing building. There is a gravel parking lot on the uphill property to the west and several existing berms around the on-site gravel storage area. For ease of inspection, add a Swale Detail and a cross-section between the proposed building and west property line shall be added to the Site Plan.
2. The proposed footing drain for the new building shall be shown on the plan.
3. The grading currently slopes toward the front face of the existing garage. Drainage structures or modified grading shall be shown on the Site Plan that shows stormwater runoff is directed away from the building.
4. Proposed grading for the new parking spaces shall be added to the Site Plan.
5. The Drywell Detail shall show solid covers instead of grates for the drywells. An overflow location shall be added for the drywell system; the drainage consultant recommended the overflow be provided on the roof leader downspout.
6. Show pipe size, slope, and material for the roof drain pipe. Add a note to the Site Plan "All rooftop runoff shall be directed to the drywell system". Show drywell inverts on the plan and detail.
7. Test pits shall be performed at the location of the proposed drywells to verify presence of groundwater and assumed soil percolation rates.

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**PB #13- 06: All County Properties Site Plan - Preliminary Site Plan Approval
Subject to Conditions; Neg. Dec.**

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

- 1) The comments in the February 13, 2013 letter from the Rockland County Department of Health must be met. In addition, the closure of the septic system on site must be done in compliance with the Health Department's requirements. All required permits must be obtained.
- 2) 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.
- 3) There shall be no net increase in the peak rate of discharge from the site at all design points.
- 4) Note #6 shall be corrected to read that the plans do not conflict with Section – L & M.
- 5) All proposed signage shall be indicated on the Site Plan and shall conform to the municipality's sign standard.
- 6) A landscaping and lighting plan shall be submitted for review.
- 7) A review must be completed by Orange and Rockland Utilities and its comments considered.

15. The Rockland County Department of Highways reviewed the plans and based on the plan and information provided found that the requested action would have minimum foreseeable adverse impact to county roads in the area.

16. 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.

17. The Rockland County Department of Health (RCDOH) reviewed the plans and provided the following comments:

- 1) There is no public water service to this property. Existing well is to be shown on the plan. Dependent on the well's location and setback to proposed buildings and drainage structures, this well may need to be decommissioned and a new well drilled.
- 2) Application is to be made to the Rockland County Department of Health for review of the Stormwater Management system for compliance with the County Mosquito Code.

18. 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.

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19. The New York State Department of Transportation has completed its review and feel the project will have no significant impact on the state transportation system. NYSDOT has no further comments on the proposed subject property.

20. 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 #1
- Rockland County Department of Highways
- Town of Orangetown Zoning Board of Appeals
- New York State Department of Transportation

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

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

23. 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.

24. **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:

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Continuation of Condition #24.....

- 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.

25. 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.

26. 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.

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

28. 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).

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29. Permanent vegetation cover of disturbed areas shall be established on the site within thirty (30) days of the completion of construction.
30. 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
31. The Planning Board shall retain jurisdiction over lighting, landscaping, signs and refuse control.

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

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

Dated: March 13, 2013
Town of Orangetown Planning Board
Attachment

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TOWN CLERKS OFFICE

**PB #13- 06: All County Properties Site Plan - Preliminary Site Plan Approval
Subject to Conditions; Neg. Dec.**

**Town of Orangetown Planning Board Decision
March 13, 2013**

**NEGATIVE DECLARATION
Notice of Determination of Non-Significance**

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: All County Properties Site Plan

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

**DESCRIPTION OF ACTION: All County Properties Site Plan - Preliminary
Site Plan Approval Subject to Conditions; Neg. Dec.**

LOCATION: The site is located at 11 Old School Lane, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 74.07, Block 1, Lot 29 in the LI zoning district.

REASONS SUPPORTING THIS DETERMINATION:

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

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

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

For Further Information contact:

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

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

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**PB #12-19: Miele Commercial Subdivision Plan – Preliminary Approval
Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision
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TO: Donald Tracey, Esq., 317 South Little Tor Road, New City, New York
10956

FROM: Orangetown Planning Board

RE: Miele Commercial Subdivision Plan: The application of Joseph Miele, owner, (Donald Tracey, Attorney for the owner), for Preliminary/ Preliminary/ Final Subdivision Plan Review, at a site to be known as “**Miele Commercial Subdivision Plan**”, in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21 of the Code of the Town of Orangetown and to determine the environmental significance of the application pursuant to the requirements of the New York State Environmental Quality Review Act. The site is located at 375 Western Highway, Tappan, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 74.18, Block 3, Lot 32 in the LI & LO zoning districts.

Heard by the Planning Board of the Town of Orangetown at meetings held, **Wednesday, May 9 and November 28, 2012 and March 13, 2013**, at which time the Board made the following determinations:

May 9, 2012

Joseph Miele, Kenneth DeGennaro and Donald Tracy appeared and testified. The Board received the following communications:

1. Project Review Committee Report dated May 2, 2012.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated May 9, 2012.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated May 3, 2012.
4. A letter from Rockland County Department of Planning, signed by Thomas B. Vanderbeek, Commissioner of Planning, dated May 7, 2012.
5. A letter from Rockland County Department of Highways, signed by Sonney Lin, P.E., dated April 30, 2012.
6. Letters from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated April 4, 2012.
7. A letter from Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer II, dated April 23, 2012.

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8. A Short Environmental Assessment Form, dated March 30, 2012, signed by Ken DeGennaro, P.E.
9. A Narrative for Joseph and Gloria Miele Site Plan Application.
10. Plans prepared by Brooker Engineering, entitled Commercial Subdivision Plat & Site Plan, dated February 14, 2012. §

Public Comments:

Vicki Cooper, 360 Western Highway, Tappan: raised concerns regarding the noise coming from the site.

Snowden Taylor, 318 Western Highway, Tappan: held that any violation on the site should be taken care of by the applicant. Mr. Taylor stated that there has been a lot of noise coming from the site in the past few weeks. He raised concerns regarding the people living at the Army Corp of Engineer property, which abuts the project site.

A motion was made to close the Public Hearing portion of the meeting by Michael Mandel and second by William Young and carried as follows:
Kevin Garvey, aye; Bruce Bond, absent; William Young, aye; Robert Dell, aye; John Foody, aye, Michael Mandel, aye and Jeffrey Golda, absent.

A motion was made to reopen the Public Hearing portion of the meeting by William Young and second by Robert Dell and carried as follows:
Kevin Garvey, aye; Bruce Bond, absent; William Young, aye; Robert Dell, aye; John Foody, aye, Michael Mandel, aye and Jeffrey Golda, absent.

The applicant requested a CONTINUATION.

November 28, 2012

Joseph Miele, Kenneth DeGennario and Donald Tracy appeared and testified. The Board received the following communications:

1. Project Review Committee Report dated November 21, 2012.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated November 28, 2012.

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7. A letter from Brooker Engineering, PLLC, signed by Kenneth DeGennaro, P.E., dated October 1, 2012.
8. Plans prepared by Brooker Engineering, entitled Commercial Subdivision Plat & Site Plan, dated February 14, 2012, revised October 1, 2012.
9. A Short Environmental Assessment Form, dated March 30, 2012, signed by Ken DeGennaro, P.E.

Public Comments:

Alice Taylor, 318 Western Highway, Tappan: raised concerns regarding the type of barrier between the military site proposed homes and the project site.

Snowden Taylor, 318 Western Highway, Tappan: expressed concern with the amount of noise coming from the project site.

Donald Brenner, 4 Independence Avenue, Tappan and of FAB Realty: raised concerns regarding the legitimacy of the statements raised at the meeting. He held that the site did not have the variance needed for open storage

Vicki Cooper, 360 Western Highway, Tappan: raised concerns regarding the noise coming from the site.

Snowden Taylor, 318 Western Highway, Tappan: noted that were cracks on his house foundation created by the constant banking on the project site.

The applicant requested a CONTINUATION.

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March 13, 2013

Joseph Miele, Kenneth DeGennaro and Donald Tracy appeared and testified. The Board received the following communications:

1. Project Review Committee Report dated March 6, 2013.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated March 13, 2013.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated March 8, 2013.
4. A letter from Rockland County Department of Planning, signed by Thomas B. Vanderbeek, Commissioner of Planning, dated February 11, 2013.
5. A letter from Rockland County Department of Highways, signed by Sonny Lin, P.E., dated March 8, 2013.
6. A letter from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated February 4, 2013.
7. A letter from Brooker Engineering, PLLC, signed by Kenneth DeGennaro, P.E., dated January 22, 2013, with revised plans prepared by Brooker Engineering, entitled Commercial Subdivision Plat & Site Plan, dated February 14, 2012, revised October 1, 2012.
8. A Short Environmental Assessment Form, dated March 30, 2012, signed by Ken DeGennaro, P.E.

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

A motion was made to reopen the Public Hearing portion of the meeting by Michael Mandel and second by Bruce Bond and carried as follows: Kevin Garvey, aye; Bruce Bond, aye; Michael Mandel, aye; William Young, absent; Robert Dell, absent; John Foody, absent; and Jeffrey Golda, aye.

A motion was made to close the Public Hearing portion of the meeting by Michael Mandel and second by Bruce Bond and carried as follows: Kevin Garvey, aye; Bruce Bond, aye; Michael Mandel, aye; William Young, absent; Robert Dell, absent; John Foody, absent; and Jeffrey Golda, aye.

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SEQRA

The proposed action is classified as an “unlisted action” as defined by Section 617.2 (ak) of the New York State Environmental Quality Review Regulations (SEQRR). No agency, other than the Orangetown Planning Board will have any significant involvement in the review process, pursuant to Section 617.6 of SEQRA.

On motion by Bruce Bond and seconded by Jeffrey Golda and carried as follows: Kevin Garvey, aye; Bruce Bond, aye; William Young, absent; Robert Dell, absent; John Foody, absent; Michael Mandel, aye and Jeffrey Golda, 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 Brooker Engineering, entitled Commercial Subdivision Plat & Site Plan, dated February 14, 2012, revised October 1, 2012, 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: Rockland County Department of Highways, Rockland County Sewer District #1, Rockland County Health Department, Town of Orangetown Zoning Board of Appeals, and having reviewed a Plan by prepared by Brooker Engineering, entitled Commercial Subdivision Plat & Site Plan, dated February 14, 2012, revised October 1, 2012, a summary of the reasons supporting this determination are, and the Planning Board finds that the proposed action:

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

On motion by Bruce Bond and seconded by Jeffrey Golda and carried as follows: Kevin Garvey, aye; Bruce Bond, aye; Michael Mandel, aye; Robert Dell, absent; John Foody, absent; William Young, absent; and Jeffrey Golda, 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 SUBDIVISION PLAN APPROVAL SUBJECT TO THE FOLLOWING CONDITIONS:

1. As a condition of granting Planning Board approval, no rock crushing or any related activities, or large industrial hammer drilling, concrete stripping, concrete recycling or other activities of this nature, shall occur on the site. The applicant may perform activities allowed only under the Town of Orangetown Zoning Code.
2. The operation or work consisting of the removal or separation of steel "I" beams and steel bars from concrete are not permitted at the site.
3. The following note shall be placed on the Subdivision: "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."

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4. The following note shall be placed on the Subdivision 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.
5. The building has approval for three (3) units and building is being divided into seven (7) units. The property is being divided into ten (10) units. The “Summary of Leased Uses” on the plan shows a total of 17 units which coincides with the proposed commercial subdivision.
6. The Short Environmental Assessment (EAF) shall be modified as follows:
 - a) Item 5 of shall be checked as “Modification/Alteration”.
 - b) The EAF shall indicate the total number of subdivided units or leased lots.
 - c) Item 8 shall be answered “No”. In an LI zone district, Section 3.11, Table of General Use Regulations, Column 7, item #3 states the following, “All storage of goods accessory to such uses shall be within completely enclosed buildings”.
7. The Commercial Subdivision shall meet the provisions of the Town of Orangetown Zoning Code for yard setbacks; therefore, the proposed leased areas shall not extend into the yards. A Zoning Board of Appeals variance will need to be sought for the lots that do not conform.
8. Utility and access easements shall be established for all proposed individual lots.
9. The location of the drainage system(s) and their outlet from the property shall be given on the plans.
10. The applicant shall define what is to be stored outside and inside. Because runoff from this site eventually enters the Sparkill Creek, the applicant shall demonstrate how grease/ oils/ gases, etc. from vehicles or equipment stored outside or inside shall be contained/ treated/ disposed of; to ensure that they do not enter the drainage system.

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11. 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 County Clerk can accept the plan to be filed.
- 2) An updated review must be completed by the County of Rockland Department of Highways and all required permits obtained.
- 3) The lot area for proposed lot 74.18-3-32Q is located almost completely within the required rear and side yards of the original lot. In addition, a portion of this lot is within the access easement to lots 30 and 31. the creation of all of these lots, except for lot 74.3.32A, will result in lots that are non-conforming with regards to the required lot area of two acres for both the LO and LI zoning districts. The Town of Orangetown must determine if creating these undersized lots is consistent with the intent of their zoning ordinance.
- 4) The applicant indicates that the 14 parking spaces schematically shown on the site plan are sufficient for the requirements of this proposal. Since it is unclear as to the future uses of the unleased areas, how is it possible to determine that 14 spaces are sufficient for the site. If parking is provided based on the existing square footage, then 219 parking spaces are required, resulting in a deficiency of almost 94%. Since the site is located on a County highway, the Town shall be satisfied that the number of parking spaces provided is sufficient for the site, both now and in the future.
- 5) The Town of Orangetown must ascertain if the proposed uses on each of the lots is consistent with the uses permitted in the zoning district. Is storage of equipment and materials permitted if no building exists on the lot? These issues must be addressed.
- 6) The plan provided is a subdivision plat and does not provide the necessary details for a site plan review. The location of parking, buildings, landscaping, signage, lighting, and other planimetric features must be provided so to properly evaluate the site plan. In addition, if this drawing is to be used for both site plan and subdivision proposals, Map Note #17 must be revised to refer to both GML Section 239 m & n.
- 7) The plan indicates that the vegetated hillside is to remain undisturbed. This area shall be clearly delineated in the field so as to assure that no encroachments will occur in the area.
- 8) A Bulk Table, listing all of the bulk standards for each proposed lot, must be provided.

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12. The Rockland County Department of Health reviewed the plans and based on the information provided, there are no Rockland County Department of Health approvals needed for this project.

13. The Rockland County Department of Highways had the following comments:
1) All concerns such as safe use and transport, etc. are addressed to the satisfaction of the Planning Board Members.

14. 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.

15. The applicant shall comply with all pertinent items in the Guide to the Preparation of Subdivision Plans 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 reviews and approvals from various governmental agencies must be obtained prior to stamping of the Subdivision. 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. 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 Highways
- Rockland County Sewer District #1
- Rockland County Health Department
- Town of Orangetown Zoning Board of Appeals

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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:
- 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.

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- 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.
- 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.

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The foregoing Resolution was made and moved by Bruce Bond and seconded by Jeffrey Golda and carried as follows: Kevin Garvey, aye; Bruce Bond, aye; William Young, absent; John Foody, absent; Michael Mandel, aye; Robert Dell, absent 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: March 13, 2013
Town of Orangetown Planning Board

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

**PB #12-19 and PB #12-20: Miele Commercial Subdivision and Site Plan –
Preliminary Approval Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision
March 13, 2013**

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: Miele Commercial Subdivision and Site Plan

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

**DESCRIPTION OF ACTION: Miele Commercial Subdivision and Site Plan –
Preliminary Approval Subject to Conditions/ Neg. Dec.**

LOCATION: The site is located at 375 Western Highway, Tappan, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 74.18, Block 3, Lot 32 in the LI & LO 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 development. The proposed action is consistent with the Town of Orangetown's Master Plan and will not have any adverse economic or social impacts upon the Town or its businesses or residences.

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

For Further Information contact:

John Giardiello, P.E., Director, Office of Building, Zoning and Planning
Administration and Enforcement; Town of Orangetown; 20 Greenbush Road
Orangeburg, NY 10962; Telephone Number: 845-359-5100
For Type I Actions and Conditioned Negative Declarations, a copy of this notice is sent: - Commissioner, New York State Department of Environmental Conservation, - Region 3 Headquarters, NYSDEC, - Town Supervisor, Applicant
- Involved Agencies

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PB #12-20: Miele Site Plan – Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec.

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TO: Donald Tracey, Esq., 317 South Little Tor Road, New City, New York 10956

FROM: Orangetown Planning Board

RE: Miele Site Plan: The application of Joseph Miele, owner, (Donald Tracey, Attorney for the owner), for Prepreliminary/ Preliminary Site Plan Review, at a site to be known as “**Miele 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 375 Western Highway, Tappan, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 74.18, Block 3, Lot 32 in the LI & LO zoning districts.

Heard by the Planning Board of the Town of Orangetown at meetings held, **Wednesday, May 9 and November 28, 2012 and March 13, 2013**, at which time the Board made the following determinations:

May 9, 2012

Joseph Miele, Kenneth DeGennario and Donald Tracy appeared and testified. The Board received the following communications:

1. Project Review Committee Report dated May 2, 2012.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated May 9, 2012.
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The applicant requested a CONTINUATION.

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8. Plans prepared by Brooker Engineering, entitled Commercial Subdivision Plat & Site Plan, dated February 14, 2012, revised October 1, 2012.
9. A Short Environmental Assessment Form, dated March 30, 2012, signed by Ken DeGennaro, P.E.

Public Comments:

Alice Taylor, 318 Western Highway, Tappan: raised concerns regarding the type of barrier between the military site proposed homes and the project site.

Snowden Taylor, 318 Western Highway, Tappan: expressed concern with the amount of noise coming from the project site.

Donald Brenner, 4 Independence Avenue, Tappan and of FAB Realty: raised concerns regarding the legitimacy of the statements raised at the meeting. He held that the site did not have the variance needed for open storage

Vicki Cooper, 360 Western Highway, Tappan: raised concerns regarding the noise coming from the site.

Snowden Taylor, 318 Western Highway, Tappan: noted that were cracks on his house foundation created by the constant banking on the project site.

The applicant requested a CONTINUATION.

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Joseph Miele, Kenneth DeGennario and Donald Tracy appeared and testified. The Board received the following communications:

1. Project Review Committee Report dated March 6, 2013.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated March 13, 2013.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated March 8, 2013.
4. A letter from Rockland County Department of Planning, signed by Thomas B. Vanderbeek, Commissioner of Planning, dated February 11, 2013.
5. A letter from Rockland County Department of Highways, signed by Sonny Lin, P.E., dated March 8, 2013.
6. A letter from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated February 4, 2013.
7. A letter from Brooker Engineering, PLLC, signed by Kenneth DeGennaro, P.E., dated January 22, 2013, with revised plans prepared by Brooker Engineering, entitled Commercial Subdivision Plat & Site Plan, dated February 14, 2012, revised October 1, 2012.
8. A Short Environmental Assessment Form, dated March 30, 2012, signed by Ken DeGennaro, P.E.

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

A motion was made to reopen the Public Hearing portion of the meeting by Michael Mandel and second by Bruce Bond and carried as follows: Kevin Garvey, aye; Bruce Bond, aye; Michael Mandel, aye; William Young, absent; Robert Dell, absent; John Foody, absent; and Jeffrey Golda, aye.

A motion was made to close the Public Hearing portion of the meeting by Michael Mandel and second by Bruce Bond and carried as follows: Kevin Garvey, aye; Bruce Bond, aye; Michael Mandel, aye; William Young, absent; Robert Dell, absent; John Foody, absent; and Jeffrey Golda, aye.

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SEQRA

The proposed action is classified as an “unlisted action” as defined by Section 617.2 (ak) of the New York State Environmental Quality Review Regulations (SEQRR). No agency, other than the Orangetown Planning Board will have any significant involvement in the review process, pursuant to Section 617.6 of SEQRA.

On motion by Bruce Bond and seconded by Jeffrey Golda and carried as follows: Kevin Garvey, aye; Bruce Bond, aye; William Young, absent; Robert Dell, absent; John Foody, absent; Michael Mandel, aye and Jeffrey Golda, 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 Brooker Engineering, entitled Commercial Subdivision Plat & Site Plan, dated February 14, 2012, revised October 1, 2012, 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: Rockland County Department of Highways, Rockland County Sewer District #1, Rockland County Health Department, Town of Orangetown Zoning Board of Appeals, and having reviewed a Plan by prepared by Brooker Engineering, entitled Commercial Subdivision Plat & Site Plan, dated February 14, 2012, revised October 1, 2012, a summary of the reasons supporting this determination are, and the Planning Board finds that the proposed action:

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

On motion by Bruce Bond and seconded by Jeffrey Golda and carried as follows: Kevin Garvey, aye; Bruce Bond, aye; Michael Mandel, aye; Robert Dell, absent; John Foody, absent; William Young, absent; and Jeffrey Golda, 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 SUBDIVISION PLAN APPROVAL SUBJECT TO THE FOLLOWING CONDITIONS:

1. As a condition of granting Planning Board approval, no rock crushing or any related activities, or large industrial hammer drilling, concrete stripping, concrete recycling or other activities of this nature, shall occur on the site. The applicant may perform activities allowed only under the Town of Orangetown Zoning Code.
2. The operation or work consisting of the removal or separation of steel "I" beams and steel bars from concrete are not permitted at the site.

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3. 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."
4. 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.
5. All open storage yards shall be screened from adjacent lots.
6. The site plan shall show all parking spaces for each use proposed in the building. The parking calculations shall also take into account office spaces within the building.
7. Lots divided by district boundary and capable of subdivision then the part of such lot within each district shall be regulated by all the use and bulk regulations of that district.
8. All uses shall require Performance Standards review by the Town of Orangetown Zoning Board of Appeals.
9. All uses and structures, both principal and accessory, shall require separate building permits and Certificate of Occupancies.
10. All existing sanitary facilities shall be shown on the Site Plan.
11. The location of the drainage system(s) and their outlet from the property shall be given on the plans.
12. The applicant shall define what is to be stored outside and inside. Because runoff from this site eventually enters the Sparkill Creek, the applicant shall demonstrate how grease/ oils/ gases, etc. from vehicles or equipment stored outside or inside shall be contained/ treated/ disposed of, to ensure that they do not enter the drainage system.

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13. 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 County Clerk can accept the plan to be filed.
 - 2) An updated review must be completed by the County of Rockland Department of Highways and all required permits obtained.
 - 3) The lot area for proposed lot 74.18-3-32Q is located almost completely within the required rear and side yards of the original lot. In addition, a portion of this lot is within the access easement to lots 30 and 31. the creation of all of these lots, except for lot 74.3.32A, will result in lots that are non-conforming with regards to the required lot area of two acres for both the LO and LI zoning districts. The Town of Orangetown must determine if creating these undersized lots is consistent with the intent of their zoning ordinance.
 - 4) The applicant indicates that the 14 parking spaces schematically shown on the site plan are sufficient for the requirements of this proposal. Since it is unclear as to the future uses of the unleased areas, how is it possible to determine that 14 spaces are sufficient for the site. If parking is provided based on the existing square footage, then 219 parking spaces are required, resulting in a deficiency of almost 94%. Since the site is located on a County highway, the Town shall be satisfied that the number of parking spaces provided is sufficient for the site, both now and in the future.
 - 5) The Town of Orangetown must ascertain if the proposed uses on each of the lots is consistent with the uses permitted in the zoning district. Is storage of equipment and materials permitted if no building exists on the lot? These issues must be addressed.
 - 6) The plan provided is a subdivision plat and does not provide the necessary details for a site plan review. The location of parking, buildings, landscaping, signage, lighting, and other planimetric features must be provided so to property evaluate the site plan. In addition, if this drawing is to be used for both site plan and subdivision proposals, Map Note #17 must be revised to refer to both GML Section 239 m & n.
 - 7) The plan indicates that the vegetated hillside is to remain undisturbed. This area shall be clearly delineated in the field so as to assure that no encroachments will occur in the area.
 - 8) A Bulk Table, listing all of the bulk standards for each proposed lot, must be provided.
14. The Rockland County Department of Health reviewed the plans and based on the information provided, there are no Rockland County Department of Health approvals needed for this project.
15. The Rockland County Department of Highways had the following comments:
- 1) All concerns such as safe use and transport, etc. are addressed to the satisfaction of the Planning Board Members.

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16. 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.
17. The applicant shall comply with all pertinent items in the Guide to the Preparation of Subdivision Plans prior to signing the final plans.
18. All reviews and approvals from various governmental agencies must be obtained prior to stamping of the Subdivision Plan.
19. All of the conditions of this decision, shall be binding upon the owner of the subject property, its successors and/or assigns, including the requirement to maintain the property in accordance with the conditions of this decision and the requirement, if any, to install improvements pursuant to Town Code §21A-9. Failure to abide by the conditions of this decision as set forth herein shall be considered a violation of Site Plan Approval pursuant to Town Code §21A-4.
20. 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 Highways
 - Rockland County Sewer District #1
 - Rockland County Health Department
 - Town of Orangetown Zoning Board of Appeals
21. **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:

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Continuation of Condition #21

- 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.

22. All landscaping shown on the site 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.

23. 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.

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

25. 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).

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

27. 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~~ TOWN departments may review the drawings conformance to the approved construction plans and the Town Street Specifications

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28. 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
Jeffrey Golda and carried as follows: Kevin Garvey, aye; Bruce Bond, aye;
William Young, absent; John Foody, absent; Michael Mandel, aye; Robert Dell,
absent 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: March 13, 2013
Town of Orangetown Planning Board



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