

**Meeting of December 10, 2014  
Town of Orangetown Planning Board**

**Members Present:** Kevin Garvey, Chairman; William Young; Michael Mandel; Robert Dell; Bruce Bond; and Stephen Sweeney

**Member Absent:** Thomas Warren

**Also Present:** John Giardiello, P.E., Director, Office of Building, Zoning, Planning Administration and Enforcement, Robert Magrino, Deputy Town Attorney; Ann Marie Ambrose, Stenographer and Cheryl Coopersmith, Chief Clerk

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

**Continued Items from the October 22, 2014 Meeting:**

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

**Walgreens Site Plan** **PB #14 - 24**  
Prepreliminary/ Preliminary Site Plan and SEQRA  
81 Rt. 303 & 165 Oak Tree Road, Tappan **Continued**  
77.15/1/24 & 25; CS & CO/  
Route 303 Overlay zoning districts

**Continued Items from the December 11, 2013 Meeting:**

**Rohland Site Plan** **PB #13 - 47**  
Prepreliminary/ Preliminary/ **Preliminary Site Plan**  
Final Site Plan & SEQRA Review **Approval Subject**  
401- 407 Western Highway, Tappan **to Conditions**  
74.18/3/31; LO zoning district **Neg. Dec.**

**Rohland Commercial Subdivision Plan** **PB #13 - 48**  
Prepreliminary/ Preliminary/ **Preliminary Site Plan**  
Final Subdivision Plan & SEQRA Review **Approval Subject**  
401- 407 Western Highway, Tappan **to Conditions**  
74.18/3/31; LO zoning district **Neg. Dec.**

**Continued Item from the June 26, 2013 Meeting:**

**Sambrotto Minor Subdivision Plan** **PB #13 - 29**  
Prepreliminary/ Preliminary Subdivision Plan **Preliminary Subdivision**  
and SEQRA Review **Plan Approval Subject to**  
34 Clausland Mountain Road, Blauvelt **Conditions**  
70.15/2/11; R-40 zoning district **Neg. Dec.**

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**December 10, 2014  
Planning Board Meeting**

**New Items:**

**Miller Minor Subdivision** PB #14 - 49  
Prepreliminary/ Preliminary/  
Final Subdivision Plan and SEQRA Review  
238 West Crooked Hill Road, Pearl River  
68.11/3/16; R-15 zoning district  
**Continued: Revise  
layout**

**Grace Tabernacle Site Plan** PB #14 - 50  
Final Site Plan Review  
617 Main Street, Sparkill  
77.08/5/41 CS zoning district  
**Final Site Plan  
Approval Subject  
to Conditions**

**Retro Fitness Pearl River Plans** PB #14 - 51  
Consultation - Pearl River Shopping Center  
100 North Middletown Road, Pearl River  
69.13/1/3; CC zoning district  
**Consultation**

**SMK Erie Subdivision** PB #14 - 52  
Request for Two 90 Day Extensions  
to File the Subdivision Plan with  
the Rockland County Clerk's Office  
86 West Erie Street, Blauvelt  
70.13/1/21; R-15 zoning district  
**Granted Two (2)  
90 Day Extensions  
to File**

**The Pointe at Lake Tappan Site Plan** PB #14 - 53  
Request for Two 90 Day Extensions  
to File the Subdivision Plan with  
the Rockland County Clerk's Office  
Veterans Memorial Drive, Pearl River  
73.10/1/4, 5, & 6; OP & PAC zoning districts  
**Granted Four (4)  
90 Day Extensions  
to File**

The decisions of the November 12, 2014 Planning Board Meeting was reviewed, edited, and approved. The motion for adoption was made and moved by Bruce Bond and seconded by Stephen Sweeney and carried as follows: William Young, aye; Kevin Garvey, aye, Thomas Warren, absent, Robert Dell, aye; Bruce Bond, aye; Stephen Sweeney, aye, Michael Mandel, aye.

The Decisions of the above hearings, as attached hereto, although made by the Board before the conclusion of the meeting are not deemed accepted and adopted by the Board until adopted by a formal motion for adoption of such minutes by the Board. Following such approval and adoption by the Board, the Decisions are mailed to the applicant. The verbatim transactions are not transcribed, but are available.

Since there was no further business to come before the Board, a motion to adjourn the meeting was made by Bruce Bond and seconded by Michael Mandel and agreed to by all in attendance. The meeting was adjourned at 10:00 pm. The next Planning Board meeting is scheduled for January 14, 2015.

**DATED: December 10, 2014**  
Cheryl Coopersmith  
Chief Clerk Boards and Commissions



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**PB #13- 47: Rohland Site Plan - Preliminary Site Plan Approval Subject to Conditions**

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

**FROM:** Orangetown Planning Board

**RE:** Rohland Site Plan: The application of Aida Rohland, owner, for Prepreliminary/ Preliminary/ Final Site Plan Review at a site known as "**Rohland 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 401-407 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 31 in the LO zoning district.

Heard by the Planning Board of the Town of Orangetown at meetings held **Wednesday, December 13, 2013 and December 10, 2014**, at which time the Board made the following determinations:

**December 13, 2013**

John Atzl and Scott Dow, Esq. appeared and testified.

The Board received the following communications:

1. Project Review Committee Report, dated December 4, 2013.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, dated December 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 December 5, 2013, signed by Bruce Peters, P.E.
4. A letter from Brooker Engineering, dated December 11, 2013, with attachments, signed by Kenneth DeGennaro, P.E.
5. A letter from the Rockland County Department of Planning, dated November 12, 2013, signed by Thomas B. Vanderbeek, P.E., Commissioner of Planning.
6. A letter from the Rockland County Department of Highways, signed by Sonny Lin, P.E., November 22, 2013.
7. A letter from Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer II, dated November 13, 2013.
8. Letters from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated October 31, 2013.
9. A Short Environmental Assessment Form signed by Aida Rohland, dated October 11, 2013.
10. Copy of Building Permit application, dated October 22, 2013.
11. A Narrative Summary prepared by Atzl, Scatassa & Zigler, P.E., dated October 11, 2013.
12. Overall Existing Condition Plan, prepared by Atzl, Scatasa & Zigler, dated October 11, 2013.
13. A letter from the Town of Orangetown Zoning Board of Appeals signed by Daniel Sullivan, dated November 6, 2013.

The Board reviewed the Plan.

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The Board reviewed the Plans

The applicant requested a **CONTINUATION**.

**December 10, 2014**

John Atzl and Scott Dow, Esq. appeared and testified.

The Board received the following communications:

1. Project Review Committee Report, dated December 3, 2014.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, dated December 10, 2014, signed by John Giardiello, P.E., Director.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, dated December 4, 2014, signed by Bruce Peters, P.E.
4. A letter from Brooker Engineering, dated December 10, 2014, with attachments, signed by Kenneth DeGennaro, P.E.
5. A letter from Atzl, Nasher & Zigler P.C., dated October 21, 2014.
6. A Narrative Summary prepared by Atzl, Nasher & Zigler, dated October 11, 2013, corrected October 20, 2014
7. A Short Environmental Assessment Form signed by Aida Rohland dated October 11, 2013, revised October 18, 2014.
8. A Stormwater Management Design Report prepared by Atzl, Nasher & Zigler, dated September 23, 2014.
9. Site Plans prepared by Atzl, Nasher & Zigler P.C., dated September 23, 2014, unless noted:
  - Drawing 1: Overall existing Condition Plan, dated October 11, 2013, revised September 23, 2014
  - Drawing 2: Commercial Subdivision Plan, dated October 11, 2013, revised September 23, 2014
  - Drawing 3: Grading Plan
  - Drawing 4: Erosion & Sediment Control Plan
  - Drawing 5: Details
  - Drawing 6: Drainage Profiles
10. A letter from Rockland County Department of Planning, signed by Douglas J. Schuetz, Acting Commissioner of Planning, dated November 21, 2014.
11. A letter from Rockland County Department of Health, signed by Scott McKane, Senior Public Health Engineer, dated November 3, 2014.

The Board reviewed the plan.

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

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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 William Young and carried as follows: Kevin Garvey, aye; Bruce Bond, aye; William Young, aye; Robert Dell, aye; Stephen Sweeney, aye; Michael Mandel, aye and Thomas Warren, absent; 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 Atzl, Scatassa & Zigler, PC and having heard from the following offices, officials and/or Departments:

(Town of Orangetown): Project Review Committee, Office of Building, Zoning, Planning Administration and Enforcement and Department of Environmental Management and Engineering; and having heard from the following involved and interested agencies: Town of Orangetown Zoning Board of Appeals, Rockland County Department of Highways, Rockland County Department of Health, Rockland County Sewer District No. 1, and having reviewed the proposed Site Plan prepared by Atzl, Scatassa & Zigler, PC, a summary of the reasons supporting this determination are, and the Planning Board finds that the proposed action:

- Will not significantly affect existing air quality or noise levels;
- Will not significantly affect existing surface water quality or quantity or drainage;
- Will not significantly affect existing ground water quality or quantity;
- Will not significantly affect existing traffic levels;

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- 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 Michael Mandel and carried as follows: Kevin Garvey, aye; Bruce Bond, aye; Robert Dell, aye; Thomas Warren, absent; William Young, aye; Michael Mandel, aye and Stephen Sweeney, aye, the Board made a Negative Declaration pursuant to SEQRA.

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

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

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3. The extent of the uses and all storage bays and boxes shall be shown and labeled for contents.
4. The plans shall show the actual parking spaces and the vehicle storage spaces being provided. Be reminded, no parking is permitted in any required yard unless permitted by the Planning Board. (LI district, column 7, item 8).
5. Parking spaces shall be provided for the building on space "E".
6. Space "E" has two uses proposed. The plan shall indicate how the two users divide space "E" or divide the building on space"E".
7. The building on space "E" requires a Minimum Side Yard of 50 feet and 36.3 feet are provided. (LI district, group QQ, column 9). A variance needs to be sought from the Town of Orangetown Zoning Board of Appeals.
8. If required, A variance needs to be sought from the Town of Orangetown Zoning Board of Appeals for a 280A variance.
9. A note shall be placed on the Plan that "No outdoor servicing or manufacturing is permitted".
10. The Short Environmental Assessment Form appears to be in order.
11. The applicant is advised that a permit to relocate the existing retaining wall From the Consolidated Rail Corporation property **must be obtained prior to signing of the plan.**
12. The metes and bounds description and the ownership of the sanitary easement shall be labeled on the Site Plan.
13. The page and liber/ instrument number shall be added to all the existing easements/ dedications.
14. The Stormwater Management Design Report is under review by DEME. However, due to the size of the drainage area WS#1A, additional inlets/ basins shall be added to capture the flow.
15. A SWPPP shall be prepared for this redeveloped site.
16. A post construction stormwater maintenance agreement (in accordance with NYSDEC Phase II regulations and Town of Orangetown Town Code) for the proposed stormwater systems shall be submitted to DEME and the Town of Orangetown Town Attorney's office for review and approval. Said agreement shall include a maintenance and management schedule, inspection check list, contact person with telephone number, yearly report to be submitted to DEME, etc.

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**17. Drainage Review Recommendation:** The application has provided stormwater management facilities to address mitigation for increases in runoff and the Drainage Consultant, Brooker Engineering, therefore recommends that Rohland Site Plan and Commercial Subdivision be approved for drainage subject to the following comments.

- The stormwater management system is located about halfway down the hillside, uphill of the lower developed portion of the site. The stormwater management system shall be relocated to the downhill area of the site which will allow most of the developed portion of the site to be treated for stormwater quality and quantity. The Drainage Consultant also notes that excavation of up to 21 feet, five feet offset from the northern property line, is required to build the detention facility at this location. A construction easement from the neighbor or sheeting and shoring will have to be designed if the detention facility is to remain at this location.
- As per the consultations previous report dated December 12, 2013, the metal building on the east lot is shown as being constructed in 2009. There are retaining walls surrounding the building that affect the flow of stormwater runoff. The flow path of stormwater runoff in this area shall be shown. Topography extending beyond the southern property limit and the building to the south shall be added to the plan to show the drainage pattern. The grading results in numerous ponding areas; a grading plan shall be provided that demonstrates positive runoff away from the building and directed to the relocated (or additional) stormwater management facility.
- A full Stormwater Pollution Prevention Plan shall be provided for the site. Maintenance of the Stormwater management facilities shall be addressed. If the facilities are to be located on a leased area, the lessee will have to maintain the facilities with respect to stormwater quality and quantity for all the uphill tenants. The designer shall consider smaller facilities on each tenant parcel to facilitate individual maintenance of the stormwater facilities. A combination of individual water quality systems per each lot and a regional detention facility for the entire site might be more practical.
- The newly constructed gravel areas in the LO zone are shown as being removed and replaced with topsoil and seed. Stormwater mitigation is required in this area for increases in runoff as a result of changes from wooded ground cover to grass ground cover.

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

- 1) An updated review must be completed by the County of Rockland Department of Highways and any required permits obtained.
- 2) The application must be made to the Rockland County Department of Health for review of the stormwater management system for compliance with the County Mosquito Code.
- 3) The entire length of Western Highway is a County highway. The plans shall be corrected.
- 4) The Overall Existing Condition Plan does not show the shed on Tax Lot 30 that was mentioned in the October 11, 2013 narrative revised October 20, 2014. This shall be shown on the site plan if it still exists, or the narrative updated to reflect that it has been removed.
- 5) It is unclear what the varying width area, located just north of the somewhat paralleling the 40 foot wide access and utility easement and represented with a dashed line, represented. This area must be labeled to clarify its intent.

**19.** The Rockland County Department of Highways reviewed the plans and offered the following remark for consideration:

- Rockland County Highway Department Work Permit will be required for the proposed construction and must be secured prior to the start of any excavation or construction activities on site.

**20.** The Rockland County Department of Health (RCDOH) reviewed the plans and found that application must be made to the Rockland County Department of Health for review of the stormwater management system for compliance with the County Mosquito Code.

**21.** 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.

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

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

**24.** 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.

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**Town of Orangetown Planning Board Decision**

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**25.** The following agencies do not object to the Town of Orangetown Planning Board assuming responsibilities of lead agency for SEQRA purposes:

- Rockland County Sewer District No.1
- Rockland County Department of Health
- Rockland County Department of Highways
- Town of Orangetown Zoning Board of Appeals

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

- a. No construction equipment shall be parked under the tree canopy.
- b. There will be no excavation or stockpiling of earth underneath the trees.
- c. Trees designated to be preserved shall be marked conspicuously on all sides at a 5 to 10 foot height.
- d. The Tree Protection Zone for trees designated to be preserved will be established by one of the following methods:
  - One (1) foot radius from trunk per inch DBH
  - Drip line of the Tree Canopy. The method chosen should be based on providing the maximum protection zone possible. A barrier of snow fence or equal is to be placed and maintained one yard beyond the established tree protection zone. If it is agreed that the tree protection zone of a selected tree must be violated, one of the following methods must be employed to mitigate the impact:
    - Light to Heavy Impacts – Minimum of eight inches of wood chips installed in the area to be protected. Chips shall be removed upon completion of work.
    - Light Impacts Only – Installation of ¾ inch of plywood or boards, or equal over the area to be protected.

The builder or its agent may not change grade within the tree protection zone of a preserved tree unless such grade change has received final approval from the Planning Board. If the grade level is to be changed more than six (6) inches, trees designated to be preserved shall be welled and/or preserved in a raised bed, with the tree well a radius of three (3) feet larger than the tree canopy.

**27.** 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.

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28. 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.

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

30. 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).

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

32. 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

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

The foregoing Resolution was made and moved by Bruce Bond and seconded by William Young and carried as follows: Kevin Garvey, aye; Bruce Bond, aye; William Young, aye; Thomas Warren, absent; Robert Dell, aye; Stephen Sweeney, 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: December 10, 2014**  
**Town of Orangetown Planning Board**  
Attachment



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

**Town of Orangetown Planning Board Decision**

**December 10, 2014**

**NAME OF ACTION: Rohland Site Plan – Preliminary Site Plan Approval  
Subject to Conditions / Neg. Dec.**

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.

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

**DESCRIPTION OF ACTION: Site Plan Review**

**LOCATION:** The site is located at 401-407 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 31 in the LO 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 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 #13- 48: Rohland Commercial Subdivision Plan - Preliminary Approval  
Subject to Conditions**

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**TO:** John Atzl, Atzl, Scattassa & Zigler, 234 North Main Street  
New City, New York 10956  
**FROM:** Orangetown Planning Board

**RE:** Rohland Subdivision Plan: The application of Aida Rohland, owner, for Prepreliminary/ Preliminary/ Final Commercial Subdivision Plan Review at a site known as "**Rohland 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 401-407 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 31 in the LO zoning district.

Heard by the Planning Board of the Town of Orangetown at meeting held **Wednesday, December 13, 2013 and December 10, 2014** at which time the Board made the following determinations:

**December 13, 2013**

John Atzl and Scott Dow appeared and testified.

The Board received the following communications:

1. Project Review Committee Report, dated December 4, 2013.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, dated December 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 December 5, 2013, signed by Bruce Peters, P.E.
4. A letter from Brooker Engineering, dated December 11, 2013, with attachments, signed by Kenneth DeGennaro, P.E.
5. A letter from the Rockland County Department of Planning, dated November 12, 2013, signed by Thomas B. Vanderbeek, P.E., Commissioner of Planning.
6. A letter from the Rockland County Department of Highways, signed by Sonny Lin, P.E., September 17, 2013.
7. Letter from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated October 31, 2013.
8. A Short Environmental Assessment Form signed by Aida Rohland, dated October 11, 2013.
9. A letter from the Town of Orangetown Zoning Board of Appeals, signed by Daniel Sullivan, Chairman, dated November 6, 2013.
10. Copy of Building Permit application, dated October 22, 2013.
11. Overall Existing Condition Plan, prepared by Atzl, Scatasa & Zigler, dated October 11, 2013.

The Board reviewed the Plan.

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**PB #13- 48: Rohland Commercial Subdivision Plan - Preliminary Approval  
Subject to Conditions**

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The Board reviewed the Plans  
The applicant requested a **CONTINUATION**.

**December 10, 2014**

John Atzl and Scott Dow, Esq. appeared and testified.

The Board received the following communications:

1. Project Review Committee Report, dated December 3, 2014.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, dated December 10, 2014, signed by John Giardiello, P.E., Director.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, dated December 4, 2014, signed by Bruce Peters, P.E.
4. A letter from Brooker Engineering, dated December 10, 2014, with attachments, signed by Kenneth DeGennaro, P.E.
5. A letter from Atzl, Nasher & Zigler P.C., dated October 21, 2014.
6. A Narrative Summary prepared by Atzl, Nasher & Zigler, dated October 11, 2013, corrected October 20, 2014
7. A Short Environmental Assessment Form signed by Aida Rohland dated October 11, 2013, revised October 18, 2014.
8. A Stormwater Management Design Report prepared by Atzl, Nasher & Zigler, dated September 23, 2014.
9. Site Plans prepared by Atzl, Nasher & Zigler P.C., dated September 23, 2014, unless noted:  
Drawing 1: Overall existing Condition Plan, dated October 11, 2013, revised September 23, 2014  
Drawing 2: Commercial Subdivision Plan, dated October 11, 2013, revised September 23, 2014  
Drawing 3: Grading Plan  
Drawing 4: Erosion & Sediment Control Plan  
Drawing 5: Details  
Drawing 6: Drainage Profiles
10. A letter from the Rockland County Department of Planning, dated November 21, 2014, signed by Douglas J. Schuetz, Acting Commissioner of Planning.
11. A letter from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated November 3, 2014.

The Board reviewed the plan.

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

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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 William Young and carried as follows: Kevin Garvey, aye; Bruce Bond, aye; William Young, aye; Robert Dell, aye; Stephen Sweeney, aye; Michael Mandel, aye and Thomas Warren, absent; 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 Atzl, Scatassa & Zigler, PC and having heard from the following offices, officials and/or Departments:

(Town of Orangetown): Project Review Committee, Office of Building, Zoning, Planning Administration and Enforcement and Department of Environmental Management and Engineering; and having heard from the following involved and interested agencies: Town of Orangetown Zoning Board of Appeals, Rockland County Department of Highways, Rockland County Department of Health, Rockland County Sewer District No. 1, and having reviewed the proposed Site Plan prepared by Atzl, Scatassa & Zigler, PC, a summary of the reasons supporting this determination are, and the Planning Board finds that the proposed action:

- Will not significantly affect existing air quality or noise levels;
- Will not significantly affect existing surface water quality or quantity or drainage;
- Will not significantly affect existing ground water quality or quantity;
- Will not significantly affect existing traffic levels;

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- 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 Michael Mandel and carried as follows: Kevin Garvey, aye; Bruce Bond, aye; Robert Dell, aye; Thomas Warren, absent; William Young, aye; Michael Mandel, aye and Stephen Sweeney, aye, the Board made a Negative Declaration pursuant to SEQRA.

**DECISION:** In view of the foregoing and the testimony before the Board, the application was **GRANTED PRELIMINARY 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. 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.

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3. The commercial subdivision plan shows 3 existing parcels shown as Tax Lots 74.18-3-29, 74.18-3-30 and 74.18-3-31. Parcel 74.18-3-31 is proposing 5 tenant spaces listed as "A through E". Tenant space "E" will have two users.

4. The extent of the uses and all storage bays and boxes shall be shown and labeled for contents.

5. The plans shall show the actual parking spaces and the vehicle storage spaces being provided. Be reminded, no parking is permitted in any required yard unless permitted by the Planning Board. (LI district, column 7, item 8).

6. Parking spaces shall be provided for the building on space "E".

7. Space "E" has two uses proposed. The plan shall indicate how the two users divide space "E" or divide the building on space "E".

8. The building on space "E" requires a Minimum Side Yard of 50 feet and 36.3 feet are provided. (LI district, group QQ, column 9). A variance needs to be sought from the Town of Orangetown Zoning Board of Appeals.

9. If required, A variance needs to be sought from the Town of Orangetown Zoning Board of Appeals for a 280A variance.

10. A note shall be placed on the Plan that "No outdoor servicing or manufacturing is permitted".

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

**12. Drainage Review Recommendation:** The application has provided stormwater management facilities to address mitigation for increases in runoff and the Drainage Consultant, Brooker Engineering, therefore recommends that Rohland Site Plan and Commercial Subdivision be approved for drainage subject to the following comments.

- The stormwater management system is located about halfway down the hillside, uphill of the lower developed portion of the site. The stormwater management system shall be relocated to the downhill area of the site which will allow most of the developed portion of the site to be treated for stormwater quality and quantity. The Drainage Consultant also notes that excavation of up to 21 feet, five feet offset from the northern property line, is required to build the detention facility at this location. A construction easement from the neighbor or sheeting and shoring will have to be designed if the detention facility is to remain at this location.

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**Continuation of Condition #12.....**

- As per the consultations previous report dated December 12, 2013, the metal building on the east lot is shown as being constructed in 2009. There are retaining walls surrounding the building that affect the flow of stormwater runoff. The flow path of stormwater runoff in this area shall be shown. Topography extending beyond the southern property limit and the building to the south shall be added to the plan to show the drainage pattern. The grading results in numerous ponding areas; a grading plan shall be provided that demonstrates positive runoff away from the building and directed to the relocated (or additional) stormwater management facility.
- A full Stormwater Pollution Prevention Plan shall be provided for the site. Maintenance of the Stormwater management facilities shall be addressed. If the facilities are to be located on a leased area, the lessee will have to maintain the facilities with respect to stormwater quality and quantity for all the uphill tenants. The designer shall consider smaller facilities on each tenant parcel to facilitate individual maintenance of the stormwater facilities. A combination of individual water quality systems per each lot and a regional detention facility for the entire site might be more practical.
- The newly constructed gravel areas in the LO zone are shown as being removed and replaced with topsoil and seed. Stormwater mitigation is required in this area for increases in runoff as a result of changes from wooded ground cover to grass ground cover.

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

- An updated review must be completed by the County of Rockland Department of Highways and any required permits obtained.
- The application must be made to the Rockland County Department of Health for review of the stormwater management system for compliance with the County Mosquito Code.
- The entire length of Western Highway is a County highway. The plans shall be corrected.
- The Overall Existing Condition Plan does not show the shed on Tax Lot 30 that was mentioned in the October 11, 2013 narrative revised October 20, 2014. This shall be shown on the site plan if it still exists, or the narrative updated to reflect that it has been removed.
- It is unclear what the varying width area, located just north of the somewhat paralleling the 40 foot wide access and utility easement and represented with a dashed line, represented. This area must be labeled to clarify its intent.

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14. The Rockland County Department of Highways reviewed the plans and offered the following remark for consideration:

- Rockland County Highway Department Work Permit will be required for the proposed construction and must be secured prior to the start of any excavation or construction activities on site.

15. The Rockland County Department of Health (RCDOH) reviewed the plans and found that application must be made to the Rockland County Department of Health for review of the stormwater management system for compliance with the County Mosquito Code.

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 §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.

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 Department of Highways
- Town of Orangetown Zoning Board of Appeals

21. 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:

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**Continuation of Condition #21....**

- 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.

**22.** 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.

**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.

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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 departments may review the drawings conformance to the approved construction plans and the Town Street Specifications

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

The foregoing Resolution was made and moved by Bruce Bond and seconded by Stephen Sweeney and carried as follows: Kevin Garvey, aye; Bruce Bond, aye; William Young, aye; Thomas Warren, absent; Robert Dell, aye; Stephen Sweeney, 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: December 10, 2014**  
**Town of Orangetown Planning Board**  
Attachment



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

**Town of Orangetown Planning Board Decision**

**December 10, 2014**

**NAME OF ACTION: Rohland Commercial Subdivision Plan – Preliminary Subdivision Plan Approval**

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.

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

**DESCRIPTION OF ACTION: Commercial Subdivision Plan Review**

**LOCATION:** The site is located at 401-407 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 31 in the LO 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 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#13-29: Sambrotto Minor Subdivision Plan: Preliminary Subdivision Plan Approval Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board  
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**TO: Raymond Sambrotto, 34 Clausland Mountain Road, Blauvelt,  
New York 10913**

**FROM: Orangetown Planning Board**

**RE: Sambrotto Minor Subdivision Plan: The application Raymond Sambrotto, owner, (David Hannigan, attorney for the applicant), for Prepreliminary/ Preliminary Subdivision Plan Review, at a site to be known as “Sambrotto Minor Subdivision Plan”, in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21 of the Code of the Town of Orangetown and to determine the environmental significance of the application pursuant to the requirements of the New York State Environmental Quality Review Act. The site is located 34 Clausland Mountain Road, Blauvelt, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 70.15, Block 2, Lot 11 in the R-40 zoning district.**

Heard by the Planning Board of the Town of Orangetown at meetings held **Wednesday, June 26, 2013 and December 10, 2014**, the Board made the following determinations:

**June 26, 2013**

Ray Sambrotto appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated June 18, 2013.
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 June 26, 2013.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., June 21, 2013.
4. A letter from Brooker Engineering, signed by Kenneth DeGennaro, dated June 17, 2013.
5. A letter from Rockland County Department of Planning, signed by Thomas Vanderbeek, P.E., Commissioner of Planning, dated June 10, 2013.
6. A letter from the Rockland County Department of Highways, signed by Sonny Lin, P.E., June 24, 2013.
7. A letter from Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer II, dated June 10, 2013.
8. Letters from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated May 29, 2013.
9. A letter from Rockland County Drainage Agency, signed by Vincent Altieri, Executive Director, dated June 5, 2013.
10. A letter from the New York State Department of Environmental Conservation, Division of Environmental Permits, Region 3, signed by Jean McAvoy, dated June 20, 2013.

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**PB#13-29: Sambrotto Minor Subdivision Plan: Preliminary Subdivision Plan Approval Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board  
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11. A Project description dated June 22, 2013.
12. A Short Environmental Assessment Form signed by Raymond Sambrotto, dated May 5, 2013.
13. A Subdivision Plan prepared by Robert E. Sorace, PLS, dated May 13, 2013.

The Board reviewed the plan.

The applicant requested a **CONTINUATION**.

**December 10, 2014**

Ray Sambrotto and Jay Greenwell appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated December 3, 2014.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated December 10, 2014.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., December 4, 2014.
4. A letter from Brooker Engineering, signed by Kenneth DeGennero, dated December 10, 2014.
5. A letter from Rockland County Department of Planning, signed by Douglas J. Schuetz, Acting Commissioner of Planning, dated November 25, 2014.
6. A letter from the Rockland County Department of Highways, signed by Sonny Lin, P.E., June 24, 2013.
7. A letter from Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer II, dated June 10, 2013.
8. Letters from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated May 29, 2013.
9. A letter from Jay A. Greenwell, PLS, LLC, dated October 22, 2014.
10. A Narrative Summary: Subdivision of Property for Sambrotto, dated October 24, 2014.
11. Drainage Calculations prepared by Edward A. Maikish, P.E., dated October 6, 2014.
12. Plans prepared by Robert E. Sorace, PLS and Jay Greenwell, PLS, dated September 12, 2014:
  - Sheet 1: Subdivision of Property
  - Sheet 2: Grading, Drainage & Utility Plan
  - Sheet 3: Details
13. A revised Short Environmental Assessment Form dated December 3, 2014, signed by Jay Greenwell, PLS.

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**PB#13-29: Sambrotto Minor Subdivision Plan: Preliminary Subdivision Plan Approval Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board  
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The Board reviewed the plans.

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

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

On motion by Bruce Bond and seconded by Michael Mandel and carried as follows: Kevin Garvey, aye; Bruce Bond, aye; William Young, aye; Robert Dell, aye; Thomas Warren, absent; Michael Mandel, aye and Stephen Sweeney, aye; the Board declared itself Lead Agency.

Pursuant to New York Code, Rules & Regulations (NYCRR) Section 617.7, the Town of Orangetown Planning Board, as lead agency, for the reasons articulated in this Board's analysis of all of the submissions by the applicant, interested agencies, departments and the public, with respect to this project including the Environmental Assessment Form, which reasons are summarized in the motion, hereby determines that the proposed action will not have a significant impact on the environment and a Draft Environmental Impact Statement (DEIS) will not be prepared.

After having identified the relevant areas of environmental concern, namely drainage, surface water runoff, land clearing, vegetation, fauna, traffic and noise levels, and after having taken a hard look at said environmental issues, and after having deliberated regarding such concerns, and having heard from the applicant, the applicant's professional representatives, namely Robert Sorace, PLS, and Jay Greenwell, PLS, and having heard from the following offices, officials and/or Departments: (Town of Orangetown): Project Review Committee, Office of Building, Zoning, Planning Administration and Enforcement and Department of Environmental Management and Engineering, and having heard from the following involved and interested agencies:- Rockland County Health Department, Rockland County Department of Highways, Rockland County Drainage Agency, Rockland County Sewer District New York State Department of Environmental Conservation, Town of Orangetown Zoning Board of Appeals, and having reviewed a Parking Layout Plan by prepared by Robert Sorace, PLS, and Jay Greenwell, PLS, a summary of the reasons supporting this determination are, and the Planning Board finds that the proposed action:

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**PB#13-29: Sambrotto Minor Subdivision Plan: Preliminary Subdivision Plan Approval Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board**

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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 Michael Mandel and seconded by Stephen Sweeney and carried as follows: Kevin Garvey, aye; Bruce Bond, aye; Robert Dell, aye; Thomas Warren, absent; William Young, aye; Michael Mandel, and Stephen Sweeney, aye, the Board made a Negative Declaration pursuant to SEQRA.

**DECISION: In view of the foregoing and the testimony before the Board, the applicant was granted a PRELIMINARY 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."

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2. The following note shall be placed on the Subdivision Plan: "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 driveways cannot exceed a 10% slope and shall be labeled as such.

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

	<b>Required</b>	<b>Existing</b>	<b>Proposed</b>
<b><u>Lot #1</u></b>			
Minimum Front Yard	50 feet	9.3 feet	
Minimum Side Yard	30 feet		11.0 feet
Minimum Lot Area	40,000 sf		35,691 sf
<b><u>Lot #2</u></b>			
Minimum Lot Area	40,000 sf		35,283 sf

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

6. DEME notes that the amount/ area of identified steep slopes on the plan has increased by 25% from the prior submission. This is a substantial increase. Steep slopes have an adverse effect on construction, erosion, stormwater runoff, etc. For the lots themselves and the "downstream" properties. In order to achieve a 2 lot subdivision, this application will require a driveway at maximum allowable slope and variances for lot size for both proposed lots.

7. The drainage calculations are under review by DEME. However, a "Perc Test" shall be administered at all proposed seepage pit locations, to ensure adequacy of designed drainage system, prior to receiving Final Approval for the Site Plan. The applicant's engineer shall provide a copy of the field Perc Test to DEME and the Building Department for review and approval.

8. A post construction stormwater maintenance agreement (in accordance with NYSDEC Phase II regulations and Town of Orangetown Town Code) for the proposed stormwater systems shall be submitted to DEME and the Town of Orangetown Town Attorney's office for review and approval. Said agreement shall include a maintenance and management schedule, inspection check list, contact person with telephone number, yearly report to be submitted to DEME, etc.

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9. The soil erosion and sediment control plans and details are under review by DEME. However, due to the steep slopes of the site, the proposed silt fence shall be reinforced with hay bales. A detail for same shall be provided.

10. Monuments shall be drawn and labeled at all subdivision corners and along the entire right of way.

11. A profile of the proposed driveway location for lot #2 shall be provided.

12. Any existing easements shall be shown on the site plan, including page and liber or instrument number, and ownership, if available.

**13. Drainage Review Recommendation:** The application shows potential significant adverse impacts with respect to drainage can be mitigated. The Drainage Consultant, Brooker Engineering, therefore recommends that Sambrotto Subdivision be approved for drainage subject to the following comments.

This is the second drainage review for this project; the last review report was dated June 17, 2013. The property is located on the north side of Clausland Mountain Road, approximately 400 feet east of Greenbush Road. The land contains steep slopes that slope downhill towards Clausland Mountain Road. There is an existing dwelling to remain on the west lot; the proposed building is on the east lot. The building lot is heavily wooded with a 10' by 15' cabin proposed to be removed. More detailed design for a theoretical house and driveway has been provided for this submission. The project assumes 5,400 square feet of new impervious area; this consists of 3,800 square feet for the driveway and 1,600 square feet for the new building. Three double drywell systems are provided to mitigate against increased in stormwater runoff. No infiltration is included in the sizing of the drywells, which is a conservative approach.

**Project Comments:**

1. A hydrologic analysis shall be performed demonstrating the runoff down the hillside toward the back of the house can be conveyed around the house. A detail for the swale shall be added. The swale shall be directed around the retaining wall adjacent to the garage and not over the wall.
2. A detail of the gutter line channel along Clausland Mountain Road between the existing driveway culvert uphill of the new driveway and under the new driveway shall be provide. Flared end sections for the pipe shall be provided to prevent erosion and clogging at the inlet and outlet.
3. The foundation drainage shall be shown on the plan.

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**Continuation of Condition #13.....**

4. Roof leader pipes shall be a minimum of six inch diameter.
5. Rim and invert elevations for each drywell shall be shown on the utility plan and on the details.
6. Dimension the location of the trench drains along the driveway for ease of inspection during construction to ensure that they are constructed in a manner consistent with the calculations contained in the drainage report.
7. Show the path of overland flow from the surcharged drywells.
8. Volume of voids in the stone beneath the drywell invert shall not be included in the drywell storage calculations.

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

- A review shall be completed by the County of Rockland Department of Highways and all required permits obtained.
- As required by the Rockland County Stream Control Act, the subdivision map must be reviewed and approved by the Chairman of the Rockland County Drainage Agency before the Rockland County Clerk will accept same for filing.
- The conditions in the November 4, 2014 letter from the County of Rockland Department of Health must be met.
- The narrative indicates that new water service will be provided for the existing dwelling, but that the well will remain for irrigation purposes. It is further indicated that the site plan will indicate that the well is "not potable water." The plans must show that the existing well will be used for irrigation purposes only, either by notations on the plans, or by a Map Note.
- Prior to any grading or construction on the site, a soil and erosion control plan shall be developed that meets the New York State Guidelines for Urban Erosion and Sediment Control.
- There shall be no net increase in stormwater runoff from the site.
- The Rockland County Department of Planning requests the opportunity to review any variances that may be requested from the Town of Orangetown Zoning Board of Appeals in order to implement the revised Site Plan, as required by New York State General Municipal Law, Section 239-m, (a)(v).

**15.** The Rockland County Department of Highways reviewed the plans and offered the following remarks for consideration:

- The exiting terrain for lot #2 as shown area all above 35%. The driveway entrance needs to demonstrate the grade for the first 30 feet can be 3% or less. A transverse section at the access driveway shall be provided to show the culvert or other equivalent means needed to maintain existing roadside swale.
- The existing site for lot #2 is high above the Clausland Mountain Road. A zero net increase in storm water runoff shall be demonstrated and submitted to Rockland County Department of Highways for review.
- A Rockland County Highway Department Work Permit will be required from any proposed work prior to any construction on the site.
- A separate Road Opening Permit will be required from Rockland County Highway Department for any utility construction that would disrupt any adjacent County Roads.

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**16.** Rockland County Health Department reviewed the plans and provided the following comments:

- Application for Sanitary Sewer Extension approval is to be made to the Rockland County Health Department, Environmental Health Program.
- An approved backflow prevention device is to be installed at the existing dwelling for the continued use of the well.
- Application is to be made to the Rockland County Department of Health for review of the storm water management system for compliance with the County Mosquito Code.

**17.** 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. 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 requests that the RCDA request that the Town carefully review the proposal and ensure that it will not result an increase in the rate of stormwater runoff from the site. In addition, 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.

**18.** 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.

**19.** The New York State Department of Environmental Conservation (NYSDEC) reviewed the information submitted and offered the following comments:

Based upon NYSDEC review, it appears that the subdivision of the Sambrotto Property is not under department jurisdiction. This project is within the Coastal Management Zone. Should conditions change and this project require an individual permit from New York State, NYSDC would need to coordinate Coastal Zone Management review with the Department of State.

**20.** The following agencies do not object to the Town of Orangetown Planning Board assuming responsibilities of lead agency for SEQRA purposes:

- Rockland County Health Department
- Rockland County Department of Highways
- Rockland County Drainage Agency
- Rockland County Sewer District #1
- New York State Department of Environmental Conservation
- Town of Orangetown Zoning Board of Appeals

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

**22.** All reviews and approvals from various governmental agencies must be obtained prior to stamping of the Subdivision 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 §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.

**24.** 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.

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

- a. No construction equipment shall be parked under the tree canopy.
- b. There will be no excavation or stockpiling of earth underneath the trees.
- c. Trees designated to be preserved shall be marked conspicuously on all sides at a 5 to 10 foot height.
- d. The Tree Protection Zone for trees designated to be preserved will be established by one of the following methods:
  - One (1) foot radius from trunk per inch DBH
  - Drip line of the Tree Canopy. The method chosen should be based on providing the maximum protection zone possible. A barrier of snow fence or equal is to be placed and maintained one yard beyond the established tree protection zone. If it is agreed that the tree protection zone of a selected tree must be violated, one of the following methods must be employed to mitigate the impact:
    - Light to Heavy Impacts – Minimum of eight inches of wood chips installed in the area to be protected. Chips shall be removed upon completion of work.
    - Light Impacts Only – Installation of ¾ inch of plywood or boards, or equal over the area to be protected.

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**Continuation of Condition #25.....**

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.

**26.** 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.

**27.** 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.

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

**29.** 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).

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

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31. 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 DEMA 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

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

33. The applicant shall consider mitigating the site disturbance in the front yard.

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

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

**Dated: December 10, 2014**  
**Town of Orangetown Planning Board**  
attachment 

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

**PB#13-29: Sambrotto Minor Subdivision Plan: Preliminary Subdivision Plan  
Approval Subject to Conditions/ Neg. Dec.**

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: Sambrotto Minor Subdivision Plan**

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

**DESCRIPTION OF ACTION: Preliminary Subdivision Plan Subject to  
Conditions/ Neg. Dec.**

LOCATION: The site is located 34 Clausland Mountain Road, Blauvelt, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 70.15, Block 2, Lot 11 in the R-40 zoning district.

**REASONS SUPPORTING THIS DETERMINATION:**

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

The project will not have a significant impact upon the environment and a DEIS need not be prepared because the proposed action does not significantly affect air quality, surface or ground water quality, noise levels or existing external traffic patterns. In addition, it will have no impact upon the aesthetic, agricultural or cultural resources of the neighborhood. No vegetation, fauna or wildlife species will be affected as a result of this proposed 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 #14-50: Grace Tabernacle Site Plan: Final Site Plan Approval Subject to Conditions**

**Town of Orangetown Planning Board Decision**

**December 10, 2014**

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**TO:** John Atzl, 234 North Main Street, New City, 10956  
**FROM:** Orangetown Planning Board

**RE:** Grace Tabernacle Site Plan: The application of John Mathew, Grace Tabernacle, Inc., applicant, for Khaneghah of Maktab Maleknia Naseral Ishah, owner, for Final Site Plan Review, at a site known as "**Grace Tabernacle Site Plan**", in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21A of the Code of the Town of Orangetown. The site is located at 617 Main Street, Sparkill, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 77.08, Block 5, Lot 41 in the CS zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, December 10, 2014**, the Board made the following determinations:

John Atzl and John Mathew appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated December 3, 2014.
2. An Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated December 10, 2014.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated December 4, 2014.
4. A letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated December 9, 2014.
5. A letter from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated November 19, 2014.
6. A letter from the Rockland County Department of Highways, signed by Sonny Lin, P.E., dated December 10, 2014.
7. A letter from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated November 3, 2014, with an attachment of a letter from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated February 20, 2014.
8. An Interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by Michael Bettmann, Chief Fire Inspector, dated August 7, 2013.

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**PB #14-50: Grace Tabernacle Site Plan: Final Site Plan Approval Subject to Conditions**

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9. A Narrative Summary, dated February 7, 2014, prepared by Atzl, Scatassa & Zigler.
10. A letter from Atzl, Nasher & Zigler, dated October 23, 2014.
11. Percolation and Deep Test Hole information, prepared by Atzl, Nasher & Zigler, dated November 12, 2014.
12. Stormwater Management Design Report, prepared by Atzl, Scatassa & Zigler, signed and sealed by Ryan A. Nasher, P.E., dated January 29, 2014, last revision date of October 20, 2014.
13. Plans prepared, signed and sealed by Atzl, Scatassa & Zigler, dated January 29, 2014, last revision date of October 20, 2014:
  - Drawing 1: Site Plan
  - Drawing 2: Grading and Detail Plan
  - Drawing 3: Landscape, Lighting and Erosion Control Plan
14. Architectural Plan prepared by Todd Phillippe, R.A.: Proposed First Floor 1, dated September 3, 2014, last revision date of September 22, 2014.
15. Board Decisions: ACABOR #14-31, Approved Subject to Conditions, dated October 16, 2014, ZBA #14-72, Front Yard Variance Approved, dated October 1, 2014 and PB #14-16, Preliminary Site Plan Approved Subject to Conditions/ Neg. Dec., dated March 26, 2014.

The Board reviewed the plans. The hearing was then opened to the Public.

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

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

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

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**PB #14-50: Grace Tabernacle Site Plan: Final Site Plan Approval Subject to Conditions**

**Town of Orangetown Planning Board Decision**

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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 previous pertinent and applicable Board Conditions: ACABOR #14-31, Approved Subject to Conditions, dated October 16, 2014, ZBA #14-72, Front Yard Variance Approved, dated October 1, 2014 and PB #14-16, Preliminary Site Plan Approved Subject to Conditions/ Neg. Dec., dated March 26, 2014.

4. The applicant shall consider adding an additional handicap parking space.

5. The applicant added a front stairwell to the building in addition to the rear two story addition. This front stairwell addition had not been part of the Preliminary Site Plan, however it was required. Based on its small size, there was no negative impact to the Site Plan. No further comments or objections.

6. The revised Stormwater Management Design report is under review by DEME.

7. The soil erosion and sediment control plans and details are under review by DEME.

8. A post construction stormwater maintenance agreement (in accordance with NYSDEC Phase II regulations and Town of Orangetown Town Code) for the proposed stormwater systems shall be submitted to DEME and the Town of Orangetown Town Attorney's office for review and approval. Said agreement shall include a maintenance and management schedule, inspection check list, contact person with telephone number, yearly report to be submitted to DEME, etc.

**9. Drainage Review Recommendation:** The application has provided drainage design to demonstrate that potential significant adverse impacts with respect to drainage can be mitigated. The Drainage Consultant, Brooker Engineering, therefore recommends that the Grace Tabernacle, Inc. Site Plan be approved for drainage subject to the following comments.

This is the second drainage review report to the Planning Board from the Drainage Consultant, Brooker Engineering; the last review was dated March 24, 2014. The project consists of a two story 16.5' x 26.5' (438 square feet) addition in the rear to the rear of an existing building. Stormwater runoff flows in a northwest direction across an existing parking lot to an existing field inlet on the property. The applicant is proposing a drywell system to mitigate against potential impacts to increases in stormwater runoff as a result of the new impervious areas.

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**Town of Orangetown Planning Board Decision**

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**Continuation of Condition #9...**

**Project Comments**

1. The applicant has provided a macadam berm curb along the parking lot near the addition in order to provide vertical separation for stormwater runoff between the building addition and the parking lot. The site plan shall show a Belgium block or concrete curb instead of the macadam curb in this area.

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

- An updated review must be completed by the County of Rockland Department of Highways and all required permits obtained. The applicant must obtain in writing, that the dedication to the County of Rockland for road widening purposes is being waived, and that no traffic impact statement is warranted.
- As indicated in the Rockland County Department of Health letters dated April 15, 2014 and November 3, 2014, an application must be made for review of the stormwater management system for compliance with the County Mosquito Code.
- All proposed signage shall be indicated on the Site Plan and shall conform to the municipality's sign standards.
- There shall be no net increase in the peak rate of discharge from the site at all design points.

**11.** The Rockland County Department of Highways reviewed the submitted information and offered the following remark:

- A Rockland County Highway Department Work Permit will be required prior to any proposed construction on site and a separate Rockland County Highway Department Road Opening Permit will be required prior to any sewer or utility connections that may require disruption to the paved surface within the County Highway.

**12.** The Rockland County Department of Health reviewed the submitted information and found that application shall be made to the Rockland County Department of Health for review of the stormwater management system for compliance with the County Mosquito Code.

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**PB #14-50: Grace Tabernacle Site Plan: Final Site Plan Approval Subject to Conditions**

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**13.** 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. However, the site is located on Main Street (Rockland County Highway Route #8) in Sparkill. Please have the applicant contact the Rockland County Highway Department for jurisdictional determination and permit requirements.

**14.** The Town of Orangetown Fire Prevention Bureau had the following comments:

- The plan submitted shows a 2 story addition, please explain the project.
- The Fire Sprinkler must be updated to NFPA 13 assembly occupancies. Inspected and tested as per NFPA 25.
- The Fire Alarm must be separated into zones and report to Rockland County 44-Control.
- Install Key Box.
- Provide Fire Extinguishers as required by NFPA 10.
- Provide Emergency lighting as per NEC.
- A floor usage plan must be provided.
- Provide and maintain Fire Lane/Zone signage, "No Parking" signage and striping and show all signage and markings on the final approved Site Plan.

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

**16.** All reviews and approvals from various governmental agencies must be obtained prior to stamping of the Site 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 §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.

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**PB #14-50: Grace Tabernacle Site Plan: Final Site Plan Approval Subject to Conditions**

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

- a. No construction equipment shall be parked under the tree canopy.
- b. There will be no excavation or stockpiling of earth underneath the trees.
- c. Trees designated to be preserved shall be marked conspicuously on all sides at a 5 to 10 foot height.

d. The Tree Protection Zone for trees designated to be preserved will be established by one of the following methods:

- One (1) foot radius from trunk per inch DBH
- Drip line of the Tree Canopy. The method chosen should be based on providing the maximum protection zone possible. A barrier of snow fence or equal is to be placed and maintained one yard beyond the established tree protection zone. If it is agreed that the tree protection zone of a selected tree must be violated, one of the following methods must be employed to mitigate the impact:
  - Light to Heavy Impacts – Minimum of eight inches of wood chips installed in the area to be protected. Chips shall be removed upon completion of work.
  - Light Impacts Only – Installation of ¾ inch of plywood or boards, or equal over the area to be protected.

The builder or its agent may not change grade within the tree protection zone of a preserved tree unless such grade change has received final approval from the Planning Board. If the grade level is to be changed more than six (6) inches, trees designated to be preserved shall be welled and/or preserved in a raised bed, with the tree well a radius of three (3) feet larger than the tree canopy.

**19.** 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.

**20.** 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.

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**PB #14-50: Grace Tabernacle Site Plan: Final Site Plan Approval Subject to Conditions**

**Town of Orangetown Planning Board Decision  
December 10, 2014  
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21. The contractor's trailer, if any is proposed, shall be located as approved by the Planning Board.

22. 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).

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

24. 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

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

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

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

Dated: December 10, 2014  
Town of Orangetown Planning Board

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TOWN OF ORANGETOWN

**PB #14-51: Retro Fitness/ Pearl River Shopping Center: Consultation**

**Town of Orangetown Planning Board Decision**

**December 10, 2014**

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TO: J. David MacCartney, Jr., 96 South Broadway, South Nyack, New York 10960  
FROM: Orangetown Planning Board

RE: Retro Fitness Pearl River Plan: The application of Ziss Realty Pearl River LLC, applicant, for Pearl River Center Associates, owner, for Consultation at a site to be known as "**Retro Fitness Pearl River 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 100 North Middletown Road, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 69.13, Block 1, Lot 3 in the CC zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, December 10, 2014**, the Board made the following determinations:

J. David MacCartney, Jr., Dennis Zysman and Gary Zysman appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated December 3, 2014.
2. An Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated December 10, 2014.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated December 4, 2014.
4. A Narrative Summary, dated November 19, 2014, prepared by J. David MacCartney, Jr.
5. A letter from Feerick Lynch MacCartney, signed by Stephen Honan, dated November 19, 2014.
6. Parking Information submitted by Feerick Lynch MacCartney:
  - Figure 1 - Parking Demand at Pearl River Shopping Center Chart, dated Tuesday, October 14, 2014
  - Figure 2 - Future Parking Demand at Pearl River Shopping Center (Weekday)
7. Retro Fitness Plans prepared by Larson Design Group, dated November 14, 2014:
  - A-1: Site Plan
  - A-2: Floor/ Life Safety Plan

The Board reviewed the plans. The hearing was then opened to the Public.

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**PB #14-51: Retro Fitness/ Pearl River Shopping Center: Consultation**

**Town of Orangetown Planning Board Decision**

**December 10, 2014**

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**CONSULTATION:** In view of the foregoing and the testimony before the Board, the application the following comments were provided to the Applicant:

1. The application is for a proposed fitness gym to reoccupy the vacant bowling alley space at 100 North Middletown Road. The applicant wants to subdivide the space and will require a commercial subdivision plan approval.

2. The applicant has provided parking calculations/ counts that formulate compliance with Section 6.38 of Chapter 43, "Zoning", which allows the Planning Board to reduce the total parking spaces required by fifty (50) percent of the parking spaces for the use with the least requirement, where it can be demonstrated that one or more such uses will be generating a demand for parking spaces primarily during periods where the other uses are not in operation. As part of this Consultation, the applicant wishes to demonstrate compliance with the above section of the code by providing the Planning Board with parking demand data of the existing and proposed shared uses at the site.

3. The Town of Orangetown Bureau of Fire Prevention reviewed the plan and offered the following comments:

- All exit signs and emergency lighting must be in compliance with Chapter 10 of the New York State Fire Code.
- A Key Box for Fire Department access must be installed in a location to be determined.
- Fire Alarm System must be installed in compliance with Chapter 9 of the New York State Fire Code and NFPA 72. **Prior to installation**, a drawing showing the floor plan must be submitted with all alarm devices indicated on the drawing. All manual pull stations must have protective covers. Cut sheets for all devices must be supplied.
- Fire Sprinkler System must be updated/ installed in compliance with NFPA 13.
- Flame spread ratings must be provided for all wall and floor coverings as well as ceiling tiles.

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: December 10, 2014**  
**Town of Orangetown Planning Board**



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TOWN OF ORANGETOWN

**PB#14-51: SMK Erie Subdivision – Granted Two 90 Day Extensions to File the Subdivision with the Rockland County Clerk’s Office**

**Town of Orangetown Planning Board Decision  
December 10, 2014  
Page 1 of 1**

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

RE: SMK -Erie Subdivision Plan: The application Jay Greenwell, applicant, for SMK Home Builders, Inc., owner, for Two 90 Day Extensions to File the Subdivision Map with the Rockland County Clerk’s Office, at a site to be known as “**SMK – Erie 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 86 West Erie Street, Blauvelt, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 70.13, Block 1, Lot 21 in the R-15 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, December 10, 2014**, at which time the Board made the following determinations:

The Board received the following communications:

1. Project Review Committee Report dated December 3, 2014.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated December 10, 2014.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated December 4, 2014.
4. PB #13-28, Final Subdivision Plan Approval Subject to Conditions dated June 26, 2013.

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

**DECISION:** In view of the foregoing, the Board **GRANTED TWO 90 DAY EXTENSIONS TO FILE THE SUBDIVISION PLAN WITH THE ROCKLAND COUNTY CLERK’S OFFICE.**

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

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: December 10, 2014  
Town of Orangetown Planning Board



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TOWN OF ORANGETOWN

**PB#14-53: The Pointe at Lake Tappan Site Plan – Granted Four 90 Day Extensions to File the Subdivision with the Rockland County Clerk’s Office**

**Town of Orangetown Planning Board Decision  
December 10, 2014  
Page 1 of 1**

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

RE: The Pointe at Lake Tappan Site Plan: The application Pearl River Veterans, LLC, owner (Donald Brenner, attorney for the applicant) for two 90 Day Extensions to File the Site Plan, at a site to be known as “**The Pointe at Lake Tappan 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 21 of the Code of the Town of Orangetown. The site is located on the South Side of Veterans Memorial Drive, East of the existing Blue Hill Office Complex and west of Blue Hill South Drive, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 73.10, Block 1, Lots 4, 5 & 6 (partial) in the OP & PAC zoning districts.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, December 10, 2014**, at which time the Board made the following determinations:

The Board received the following communications:

1. PB #13-20, Final Site Plan Approval Subject to Conditions dated June 12, 2013.

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

**DECISION:** In view of the foregoing, the Board **GRANTED FOUR 90 DAY EXTENSIONS TO FILE THE SUBDIVISION PLAN WITH THE ROCKLAND COUNTY CLERK’S OFFICE.**

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

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: December 10, 2014  
Town of Orangetown Planning Board



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