

**Meeting of December 11, 2013  
Town of Orangetown Planning Board**

**MEMBERS PRESENT:** Kevin Garvey, Chairman; Bruce Bond; Michael Mandel; John Foody; William Young; Robert Dell and Jeffrey Golda

**MEMBERS ABSENT:** None

**ALSO PRESENT:** John Giardiello, Director, Department of Building, Zoning, Planning Administration and Enforcement; Robert Magrino, Deputy Town Attorney; Ann Marie Ambrose, Stenographer and Elizabeth Decort, Clerk

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

**New Items:**

**Rohland Site Plan** PB #13 - 47  
Preliminary/ Preliminary/ Continued: Needs  
Final Site Plan and SEQRA Review Drainage & Clean Site  
74.18 / 3 / 31; LO zoning district

**Rohland Commercial Subdivision Plan** PB #13 - 48  
Preliminary/ Preliminary/ Continued: Needs  
Final Subdivision Plan Drainage & Clean Site  
and SEQRA Review  
74.18 / 3 / 31; LO zoning district

**Orangeburg Commons Site Plan Amendment** PB #13 - 49  
Preliminary/ Preliminary/ Final Site Plan  
Final Site Plan Amendment Amendment Approval  
and SEQRA Review Subject to Conditions  
74.15/ 1 / 21; LI & Reaffirmation of SEQRA  
Route 303 Overlay zoning districts

**Orangeburg Commons Commercial** PB #13 - 50  
**Subdivision Plan** Final Commercial  
Preliminary/ Preliminary/ Subdivision Plan  
Final Site Plan Amendment Approval Subject to  
and SEQRA Review Conditions  
74.15/ 1 / 21; LI & Reaffirmation of SEQRA  
Route 303 Overlay zoning districts

**Organic Recycling Commercial Subdivision Plan** PB #13 - 51  
Final Commercial Subdivision Review Continued: Review  
74.19 / 1 / 3; LI zoning district Site Plan

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**Meeting of December 11, 2013  
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**Skae Site Plan**

Prepreliminary/ Preliminary  
Final Site Plan and SEQRA Review  
76.08/ 1 / 3 & 4; LJO zoning district

**PB #13 - 52**

**Preliminary Site Plan  
Approval Subject to  
Conditions/ Neg. Dec.**

**Dominick & White Resubdivision Plan**

Final Resubdivision Plan Review  
68.14 / 2 / 21 & 23; R-15 zoning district

**PB #13 - 53**

**Final Subdivision Plan  
Approval Subject to  
Conditions/ Neg. Dec.**

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 Kevin Garvey and agreed to by all in attendance. The meeting was adjourned at 10:00 p.m. The next Planning Board meeting is scheduled for January 15, 2014.

**DATED: December 11, 2013  
Town of Orangetown Planning Board**

*Cheryl Cooper-Smith*

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**PB #13-49: Orangeburg Commons: Amendment to Final Site Plan Approval  
Subject to Conditions/ Reaffirmation of SEQRA**

**Town of Orangetown Planning Board Decision  
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**TO:** Geraldine Tortorella, Hoeherman, Tortorella & Wekstein,  
1 North Broadway, Suite 701, White Plains, New York 10601

**FROM:** Orangetown Planning Board

**RE:** Orangeburg Commons Site Plan Amendment: The application of  
FB Orangetown LLC, c/o RD Management, owner, (Geraldine Tortorella,  
Hoeherman Tortorella & Wekstein, LLP, attorney for the owner), for  
Preliminary/ Preliminary/ Final /Site Plan Amendment, at a site known as  
“**Orangeburg Commons Site Plan Amendment**”, 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 the Southwest corner of the intersection of  
Stevens Way and Route 303, Orangeburg, Town of Orangetown, Rockland  
County, New York, and as shown on the Orangetown Tax Map as Section 74.15,  
Block 1, Lot 21 in the LI & Route 303 Overlay zoning districts.

Heard by the Planning Board of the Town of Orangetown at a meeting held  
**Wednesday, December 11, 2013**, the Board made the following determinations:

Geraldine Tortorella, Alfred Rossi and Justin Lim 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, signed by  
John Giardiello, P.E., Director, dated December 11, 2013.
3. Interdepartmental memorandum from the Department of Environmental  
Management and Engineering (DEME), Town of Orangetown, signed by  
Bruce Peters, P.E., dated December 5, 2013.
4. A letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated  
December 11, 2013.
5. A letter from the Rockland County Department of Planning, signed by  
Thomas Vanderbeek, Commissioner of Planning, dated December 3, 2013.
6. A letter from the Rockland County Department of Highways, signed by  
Sonny Lin, P.E., dated November 25, 2013.
7. Letters from the Rockland County Department of Health, signed by  
Scott McKane, P.E., Senior Public Health Engineer, dated  
November 18 & 26, 2013.
8. A letter from the Rockland County Sewer District No.1, signed by  
Joseph LaFinadra, Engineer II, dated December 3, 2013.

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9. A letter from the New York State Department of Transportation, signed by Mary Jo Russo, P.E., Rockland County Permit Engineer, dated December 6, 2013.
10. A letter from Langan Engineering, Environmental, Surveying and Landscape Architecture, D.P.C., signed by Michael Szura, RLA, ASLA, Leed AP, dated October 30, 2013.
11. A Short Environmental Assessment Form, signed by Leonard Jackson, P.E., Project Engineer, dated October 31, 2013.
12. A letter from Hocherman Tortorella & Wekstein, LLP, signed by Geraldine Tortorella dated November 1, 2013.
13. Plans prepared by Leonard Jackson Associates, dated February 1, 2012, revised October 30, 2013:  
Drawing #1: Layout Plan  
Drawing #2A: Layout Plan (Part Plan A)  
Drawing #2B: Layout Plan (Part Plan B)  
Drawing #3: Grading, Drainage & Utility Plan  
Drawing #3A: Grading, Drainage & Utility Plan (Part Plan A)  
Drawing #3B: Grading, Drainage & Utility Plan (Part Plan B)
14. A copy of the Amendment to Final Site Plan Approval Subject to Conditions, PB #12-28, dated June 13, 2012.

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

**REAFFIRMATION OF SEQRA**

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

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Leonard Jackson Associates and the Town of Orangetown's engineering consultant, Brooker Engineering, and having heard from the following offices, officials and/or Departments: (Town of Orangetown): Project Review Committee, Office of Building, Zoning, Planning Administration and Enforcement and Department of Environmental Management and Engineering, and having heard from the following involved and interested agencies: Rockland County Department of Highways, Rockland County Department of Health, Rockland County Sewer District No. 1, New York State Department of Transportation and the Town of Orangetown Zoning Board of Appeals, and having reviewed the proposed Site Plans by prepared by Leonard Jackson Associates, a summary of the reasons supporting this determination are, and the Planning Board finds that the proposed action:

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

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

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

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1. The applicant shall comply with all applicable previous Board Decisions: ACABOR #12-20, Approved with Conditions, dated May 3, 2012; PB #12-07, Preliminary Site Plan Approval to the Amendment to the Approved Site Plan Subject to Conditions, dated March 14, 2012; PB #08-30, Denied Requests and Amended Final Decision and Recommendation to Town Board to Establish Performance Bond, dated May 14, 2008; PB #07-19, Final Site Plan Approval Subject to Conditions, dated February 28, 2007; ACABOR #06-70, Approved Subject to Conditions, dated December 5, 2006 and PB #06-41, Preliminary Site Plan Approval Subject to Conditions, dated November 8, 2006.
2. 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.
3. 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
4. The yard setbacks for the bank shall be shown on the Site Plan.
5. The Short Environmental Assessment Form appears to be in order.
6. Copies of all correspondence, including any and all approvals, with the New York State Department of Environmental Conservation, U.S. Army Corps of Engineers, the Rockland County Drainage Agency, etc., in connection with this proposed site plan, shall be supplied to the Planning Board and DEME, prior to signing the map.
7. Based on the Applicant's requested amendment and the Rockland County Health Department's letter of November 26, 2013, the applicant shall form a Sewage Disposal Corporation. Said corporation shall be reviewed and approved in substance and form by the Town of Orangetown Town Attorney's Office and DEME.

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8. The post construction stormwater runoff agreement shall be amended to reflect the new "Ownership" of the stormwater system, including the detention basin. This agreement shall be reviewed and approved in substance and form by the Town of Orangetown Town Attorney's Office and DEME.

9. Both items referenced in Conditions # 7 and #8 shall also include language regarding responsibility, ownership, upkeep/ maintenance and emergency contacts for each system.

10. Notes shall be added to the Site Plan listing the ownership for both the sanitary and storm sewer systems.

11. The Drainage Consultant to the Planning Board, Brooker Engineering, reviewed the plans and submitted information and found the following:  
The stormwater management mitigation that was part of the original approved design will be maintained; therefore the Drainage Consultant recommends that the Orangeburg Commons Amended Site plan and Commercial Subdivision be approved for drainage subject to the following Project Comments.

**Project Description**

This is the consultant's first drainage review report to the Planning Board for this project. All impervious areas for the lands not yet constructed (the proposed Courtyard by Marriott, restaurant, and bank) are designed to be conveyed to the stormwater management basin. The stormwater management basin and the associated drainage system necessary to convey the stormwater runoff from the area in question have been constructed. The overall development coverage is proposed at 65.1% and the maximum allowed for the zone is 70%. Stormwater runoff flows downhill in an easterly direction across the site to the stormwater management basin. The stormwater mitigation that was part of the original approval will be maintained.

**Project Comments**

1. Provide a plan that compares the current proposed impervious area versus the approved impervious area.
2. Provide an updated Stormwater Pollution Prevention Plan and stormwater management report that reflects the current proposed development.
3. Update the Stormwater Pollution Prevention Plan to document maintenance of the stormwater management facility by the commercial condominium association.

12. Rockland County Department of Planning had the following comment which is incorporated herein as a condition of approval:

1. The bus shelter location shall be labeled on the Site Plan.

13. 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.

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14. The Rockland County Highway Department reviewed the plans and information provided and found that the requested action will have minimum foreseeable adverse impact upon county roads in the area.
15. Rockland County Department of Health reviewed the plans and offered the following comments:
  1. Since there will now be multiple properties with potentially multiple ownership, the sewers cannot remain private. Under New York State Environmental Conservation Law either a Sewage Disposal Corporation must be formed or the sewers are to be owned by the Town of Orangetown.
  2. Water and sewer lines to the proposed bank are to be shown on the Site Plan.
16. The applicant shall submit the deed, title policy, offer of dedication for Greenbush Road section to the Town of Orangetown Office of the Town Attorney.
17. The plan shall note the location of the handicap parking spaces for the bank site.
18. The amended Site Plan shall be reviewed by the Town of Orangetown Architecture and Community appearance Board of Review for landscaping and site lighting.
19. The applicant shall comply with all pertinent items in the Guide to the Preparation of Site Plans prior to signing the final plans.
20. All reviews and approvals from various governmental agencies must be obtained prior to stamping of the Site Plan.
21. All of the conditions of this decision, shall be binding upon the owner of the subject property, its successors and /or assigns, including the requirement to maintain the property in accordance with the conditions of this decision and the requirement, if any, to install improvements pursuant to Town Code §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.
22. 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
  - Rockland County Sewer District No.1
  - New York State Department of Transportation

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**Overrides**

The Board made a motion to override Conditions 1, 2, 3, 5, 6, 7, 8, 9, and 10 of the December 3, 2013 letter from Rockland County Department of Planning, signed by Thomas B. Vanderbeek, P.E., Commissioner of Planning, for the following reasons:

**Condition #1.** An updated review shall be done by the New York State Department of Transportation, and all required permits obtained.

The Board held that the New York State Department of Transportation has reviewed the plan and information, as presented in its letter dated December 6, 2012 and this condition is satisfied.

A motion to override the condition was made and moved by William Young and seconded by Michael Mandel and carried as follows: Bruce Bond, aye; Kevin Garvey, aye; Robert Dell, abstain; Michael Mandel, aye; Jeffrey Golda, aye; William Young, aye and John Foody, aye.

**Condition #2.** An updated review must be completed by the Palisades Interstate Park Commission and their comments considered.

The Board held that the Palisades Interstate Park Commission has reviewed the plans and information and this condition is satisfied.

A motion to override the condition was made and moved by William Young and seconded by Michael Mandel and carried as follows: Bruce Bond, aye; Kevin Garvey, aye; Robert Dell, abstain; Michael Mandel, aye; Jeffrey Golda, aye; William Young, aye and John Foody, aye.

**Condition #3.** The comments in the November 26, 2013 letter from the Rockland County Department of Health must be met.

The Board held that the Rockland County Department of Health has reviewed the plans and information and this condition is satisfied.

A motion to override the condition was made and moved by William Young and seconded by Michael Mandel and carried as follows: Bruce Bond, aye; Kevin Garvey, aye; Robert Dell, abstain; Michael Mandel, aye; Jeffrey Golda, aye; William Young, aye and John Foody, aye.

**Condition #5.** We request that consideration be given to the potential for a minimum of 50 designated shared parking spaces near Route 303 to serve as a park and ride lot. (The Town Board Special Permit Approval, in Resolution 658, p. 18, required that, prior to site plan approval, the applicant consult with the Rockland County Department of Public Transportation to address this potential.

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**Override Continued.....**

The Board held that this condition is satisfied. As in the original proposal, there would be no shared parking in the parking facility with commuter parking.

A motion to override the condition was made and moved by Michael Mandel and seconded by John Foody and carried as follows: Bruce Bond, aye; Kevin Garvey, aye; Robert Dell, abstain; Michael Mandel, aye; Jeffrey Golda, aye; William Young, aye and John Foody, aye.

**Condition #6.** No landscaping plans were submitted for this review, because it was stated that no material changes were being made to the plans. However, this new site plan now contains a split rail fence with CLF and a wall along the boundary of the subject property and the Palisades State Parklands. New landscaping plans must be provided in the area where these stone walls are now proposed, as they may change the landscaping originally proposed.

The Board held that the changes to the landscaping are necessary and a revised landscaping plan shall not be required.

A motion to override the condition was made and moved by Michael Mandel and seconded by John Foody and carried as follows: Bruce Bond, aye; Kevin Garvey, aye; Robert Dell, abstain; Michael Mandel, aye; Jeffrey Golda, aye; William Young, aye and John Foody, aye.

**Condition #7.** The plans call for a split rail fence with "CLF". Does "CLF" refer to Chain Link Fence? If so, what is the reasoning for having a split rail fence, a chain link fence, and a wall? This must be clarified.

The Board held that the three improvements shall remain as proposed, since the split rail fence, a chain link fence, and a wall are necessary for safety reasons.

A motion to override the condition was made and moved by Michael Mandel and seconded by John Foody and carried as follows: Bruce Bond, aye; Kevin Garvey, aye; Robert Dell, abstain; Michael Mandel, aye; Jeffrey Golda, aye; William Young, aye and John Foody, aye.

**Condition #8.** Wall elevations must be provided for the top of wall, and bottom of wall so that the overall height of each of the walls can be determined. In the areas where wall heights are excessive, over five feet in height, the Town shall consider requiring that the walls be tiered to no more than four feet each, and that supplemental landscaping be provided to help conceal the massive wall face.

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**Override Continued.....**

The Board held that the walls are shown as built, and already inspected by the Building Department.

A motion to override the condition was made and moved by Bruce Bond and seconded by William Young and carried as follows: Bruce Bond, aye; Kevin Garvey, aye; Robert Dell, abstain; Michael Mandel, aye; Jeffrey Golda, aye; William Young, aye and John Foody, aye.

**Condition #9.** There shall be no net increase in the peak rate of discharge from the site at all design points.

The Board held that this condition is satisfied.

A motion to override the condition was made and moved by Bruce Bond and seconded by William Young and carried as follows: Bruce Bond, aye; Kevin Garvey, aye; Robert Dell, abstain; Michael Mandel, aye; Jeffrey Golda, aye; William Young, aye and John Foody, aye.

**Condition #10.** 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.

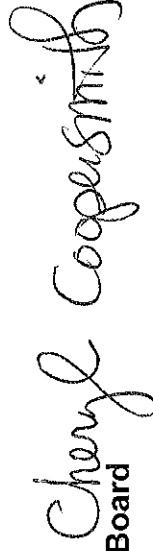
The Board held that this condition is satisfied.

A motion to override the condition was made and moved by Bruce Bond and seconded by William Young and carried as follows: Bruce Bond, aye; Kevin Garvey, aye; Robert Dell, abstain; Michael Mandel, aye; Jeffrey Golda, aye; William Young, aye and John Foody, aye.

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; John Foody, aye; Robert Dell, abstain; Michael Mandel, aye and Jeffrey Golda, aye.

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

**Dated: December 11, 2013  
Town of Orangetown Planning Board**



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

**Orangeburg Commons Site Plan Amendment**

**Town of Orangetown Planning Board Decision**  
**December 11, 2013**

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Regulation) of the Environmental Conservation Law. The PLANNING BOARD, TOWN OF ORANGETOWN, as Lead Agency, has determined that the proposed action described below will not have a significant impact on the environment and a Draft Environmental Impact Statement will not be prepared.

**NAME OF ACTION: Orangeburg Commons Site Plan Amendment**

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

**DESCRIPTION OF ACTION: Amendment to Final Site Plan**

**LOCATION:** The site is located at the Southwest corner of the intersection of Stevens Way and Route 303, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 74.15, Block 1, Lot 21 in the LI/ 303 Overlay zoning.

**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 #13-50: Orangeburg Commons Commercial Subdivision Plan  
Final Approval Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision  
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**TO:** Geraldine Tortorella, Hocherman, Tortorella & Wekstein,  
1 North Broadway, Suite 701, White Plains, New York 10601

**FROM:** Orangetown Planning Board

**RE:** Orangeburg Commons Commercial Subdivision Plan: The application of FB Orangetown LLC, c/o RD Management, owner, (Geraldine Tortorella, Hocherman Tortorella & Wekstein, LLP, attorney for the owner), for Preliminary/ Preliminary/ Final Commercial Subdivision Plan Review, at a site known as “**Orangeburg Commons Commercial Subdivision Plan**”, in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21 of the Code of the Town of Orangetown and to determine the environmental significance of the application pursuant to the requirements of the New York State Environmental Quality Review Act. The site is located at the Southwest corner of the intersection of Stevens Way and Route 303, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 74.15, Block 1, Lot 21 in the LI & Route 303 Overlay zoning districts.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, December 11, 2013**, the Board made the following determinations:

Geraldine Tortorella, Alfred Rossi and Justin Lim 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, signed by John Giardiello, P.E., Director, dated December 11, 2013.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated December 5, 2013.
4. A letter from the Rockland County Department of Planning, signed by Thomas Vanderbeek, Commissioner of Planning, dated December 3, 2013.
5. Letters from the Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated November 18 & 26, 2013.
6. A letter from the Rockland County Sewer District No.1, signed by Joseph LaFinadra, Engineer II, dated December 3, 2013.

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**PB #13-50: Orangeburg Commons Commercial Subdivision Plan  
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7. An interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by Michael Bettmann, Chief Fire Inspector, dated December 3, 2013.
8. A letter from Langan Engineering, Environmental, Surveying and Landscape Architecture, D.P.C., signed by Michael Szura, RLA, ASLA, LEED AP, dated October 30, 2013.
9. A Short Environmental Assessment Form, signed by Leonard Jackson, P.E., Project Engineer, dated October 31, 2013.
10. A letter from Hoeherman Tortorella & Wekstein, LLP, signed by Geraldine Tortorella, dated November 1, 2013.
11. Plans prepared by Jay Greenwell, PLS, LLC, dated October 31, 2013:  
Sheet 1 of 3: Title Page, Vicinity Map  
Sheet 2 of 3: Subdivision Plan (Units 1, 2 & 3)  
Sheet 3 of 3: Subdivision Plan (Units 4 & 5)
12. A copy of the Amendment to Final Site Plan Approval Subject to Conditions, PB #12-28, dated June 13, 2012.

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

**REAFFIRMATION OF SEQRA**

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

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Leonard Jackson Associates and the Town of Orangetown's Engineering Consultant, Brooker Engineering, and having heard from the following offices, officials and/or Departments: (Town of Orangetown): Project Review Committee, Office of Building, Zoning, Planning Administration and Enforcement and Department of Environmental Management and Engineering, and having heard from the following involved and interested agencies: Rockland County Department of Highways, Rockland County Department of Health, Rockland County Sewer District No. 1, and the Town of Orangetown Zoning Board of Appeals, and having reviewed the proposed Site Plans by prepared by Leonard Jackson Associates, a summary of the reasons supporting this determination are, and the Planning Board finds that the proposed action:

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

On motion by William Young and seconded by Michael Mandel and carried as follows: Bruce Bond, aye; Michael Mandel, aye; Robert Dell, abstain; John Foody, aye; William Young, aye; Jeffrey Golda, aye and Kevin Garvey, aye the Board Reaffirmed the Negative Declaration pursuant to SEORA.

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

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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: "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 proposed condominium lines are for condominium purposes only and do not reflect property lines for zoning purposes.
4. The number of parking spaces allocated for each condominium unit or parcel shall be labeled on the commercial subdivision plan. This can be described in a table format.
5. The Condominium Declaration is subject to review and approval in substance and form by the Town of Orangetown Town Attorney's office. Upon approval by the Town, the Declaration shall be recorded with Rockland County and with the New York Department of State.
6. The applicant shall submit the deed, title policy, offer of dedication for Greenbush Road section to the Town of Orangetown Office of the Town Attorney.
7. All existing or proposed utilities shall be identified with easements through each condominium unit or parcel.
8. Copies of all correspondence, including any and all approvals, with the New York State Department of Environmental Conservation, U.S. Army Corps of Engineers, the Rockland County Drainage Agency, etc., in connection with this proposed site plan, shall be supplied to the Planning Board and DEME, prior to signing the map.
9. Based on the Applicant's requested amendment and the Rockland County Health Department's letter of November 26, 2013, the applicant shall form a Sewage Disposal Corporation. Said corporation shall be reviewed and approved in substance and form by the Town of Orangetown Town Attorney's Office and DEME.

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- 10.** The post construction stormwater runoff agreement shall be amended to reflect the new "Ownership" of the stormwater system, including detention basin. This agreement shall be reviewed and approved in substance and form by the Town of Orangetown Town Attorney's Office and DEME.
- 11.** Both items referenced in Conditions # 9 and #10 shall also include language regarding responsibility, ownership, upkeep/ maintenance and emergency contacts for each system.
- 12.** Notes shall be added to the site plan listing the ownership for both the sanitary and storm sewer systems.
- 13.** Rockland County Department of Planning had the following comment which is incorporated herein as a condition of approval:
  1. The comments in the November 26, 2013 letter from the Rockland County Department of Health must be met.
  2. Each subdivision unit shall have the associated parking for each use included within its boundaries. To verify that parking for each use is being provided within each unit, a table shall be included indicating the use, the required parking, and the parking provided within the proposed subdivision area.
  3. The parking island delineations for the subdivision of Units 2 and 3 do not seem to correlate with the new configuration, but rather seem to be more closely correlate to the older parking layout. To ensure that the associated parking for each use is provided, these parking areas and spaces must be provided, as is done for Unit 1, and be reflective of the new bank location. The individual parking spaces shall also be provided in the north and eastern portion of Unit 5.
- 14.** The Rockland County Sewer District #1 does not object to the plan as shown. This project does not affect any sanitary sewers within the District and request no future correspondence for this site.
- 15.** Rockland County Department of Health reviewed the plans and offered the following comments:
  1. Since there will now be multiple properties with potentially multiple ownership, the sewers cannot remain private. Under New York State Environmental Conservation Law either a Sewage Disposal Corporation must be formed or the sewers are to be owned by the Town of Orangetown.
  2. Water and sewer lines to the proposed bank are to be shown on the Site Plan.

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16. The applicant shall submit the deed, title policy, offer of dedication for Greenbush Road section to the Town of Orangetown Office of the Town Attorney.
17. The following agencies do not object to the Town of Orangetown Planning Board assuming responsibilities of lead agency for SEQRA purposes:
- Rockland County Department of Health
  - Rockland County Sewer District #1
  - Town of Orangetown Zoning Board of Appeals
18. 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.
19. The Town of Orangetown Bureau of Fire Prevention reviewed the plan and offered the following comment:
- The applicant must provide information regarding the party who will be obligated to maintain water supplies for domestic and Fire Protection, Private Fire Hydrants, Striping for all Fire Zones and all required signage on each property.

**Override**

The Board made a motion to override Condition #1 of the December 3, 2013 letter from Rockland County Department of Planning, signed by Thomas B. Vanderbeek, P.E., Commissioner of Planning, for the following reasons:

- 1) As required by the Rockland County Stream Control Act, the subdivision plan must be signed by the Chairman of the Rockland County Drainage Agency before the County Clerk can accept the plan to be filed.

The proposed subdivision is a commercial subdivision and does not require filing with the Rockland County Clerk's Office.

A motion to override the condition was made and moved by Michael Mandel and seconded by William Young and carried as follows: Bruce Bond, aye; Kevin Garvey, aye; Robert Dell, abstain; Michael Mandel, aye; Jeffrey Golda, aye; William Young, aye and John Foody, aye.

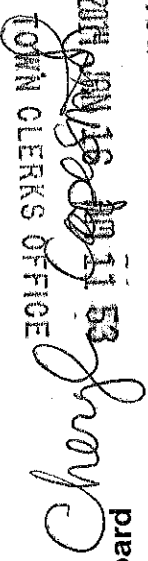
The foregoing Resolution was made and moved by William Young and seconded by Michael Mandel and carried as follows: Kevin Garvey, aye; Bruce Bond, aye; William Young, aye; John Foody, aye; Michael Mandel, aye; Robert Dell, abstain and Jeffrey Golda, aye.

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

**Dated: December 11, 2013**

**Town of Orangetown Planning Board**

attachment

  
TOWN CLERKS OFFICE  
TOWN OF ORANGETOWN

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

**PB #13-50: Orangeburg Commons Commercial Subdivision Plan**

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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: Orangeburg Commons Commercial Subdivision Plan**

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

**DESCRIPTION OF ACTION:** Commercial Subdivision Plan

**LOCATION:** The site is located at the Southwest corner of the intersection of Stevens Way and Route 303, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 74.15, Block 1, Lot 21 in the LI/ 303 Overlay zoning.

**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 #13-52: Skae Site Plan – Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec.**

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**TO:** Donald Brenner, Esq., 4 Independence Ave., Tappan, New York 10983  
**FROM:** Orangetown Planning Board

**RE:** Skae Site Plan: The application of Peter Skae, owner, (Donald Brenner, attorney for the owner), for Prepreliminary/ Preliminary/ Final Site Plan Review, at a site known to be known as “**Skae 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 337 – 339 Blaisdell Road, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 76.08, Block 1, Lots 3 & 4 in the LIO zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held, **Wednesday, December 11, 2013**, at which time the Board made the following determinations:

Donald Brenner, Peter Skae and Steven Sparaco appeared and testified. The Board received the following communications:

1. Project Review Committee Report dated December 4, 2013.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated December 11, 2013.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated December 5, 2013.
4. A letter from Brooker Engineering, PLLC, signed by Kenneth DeGennaro, P.E., dated December 3, 2013.
5. A letter from Rockland County Department of Planning, signed by Thomas B. Vanderbeek, Commissioner of Planning, dated December 9, 2013.
6. A letter from Rockland County Department of Highways, signed by Sonny Lin, P.E., dated November 21, 2013.
7. Letters from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated November 20 & 21, 2013.
8. A letter from Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer II, dated December 3, 2013.
9. An interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by M.B. Bettmann, Chief Fire Inspector, dated November 20, 2013.
10. A letter from the New York State Department of Transportation, signed by Mary Jo Russo, Rockland County Permit Engineer, dated December 6, 2013.
11. Short Environmental Assessment Form, signed by Donald Brenner, dated November 15, 2013.

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**PB #13-52: Skae Training Site Plan – Preliminary Site Plan Approval  
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**Town of Orangetown Planning Board Decision  
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12. Drainage Report, prepared by Sparaco & Youngblood, PLLC, dated November 14, 2013.
13. Building Permit Application dated October 30, 2013.
14. Plans prepared by Sparaco & Youngblood, PLLC, dated November 15, 2013:
  - Drawing 1 of 9: Planimetric Plan
  - Drawing 2 of 9: Grading, Utility & Erosion Control Plan
  - Drawing 3 of 9: Overall Grading, Utility & Erosion Control Plan
  - Drawing 4 of 9: Planting & Lighting
  - Drawing 5 of 9: Proposed Sewer Plan & Profile
  - Drawing 6 of 9: Existing Conditions
  - Drawing 7 of 9: Details (Sheet 1)
  - Drawing 8 of 9: Details (Sheet 2)
  - Drawing 9 of 9: Details (Sheet 3)

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

**SEQRA**

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

On motion by Bruce Bond and seconded by Jeffrey Golda and carried as follows: Kevin Garvey, aye; Bruce Bond, aye; William Young, aye; Robert Dell, aye; John Foody, aye; Michael Mandel, aye and Jeffrey Golda, aye; the Board declared itself Lead Agency.

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

After having identified the relevant areas of environmental concern, namely drainage, surface water runoff, land clearing, vegetation, fauna, traffic and noise levels, and after having taken a hard look at said environmental issues, and after having deliberated regarding such concerns, and having heard from the applicant, the applicant's professional representatives, namely Sparaco &

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Youngblood and the Town of Orangetown Drainage Consultant, Brooker Engineering, and having heard from the following offices, officials and/or Departments: (Town of Orangetown): Project Review Committee, Office of Building, Zoning, Planning Administration and Enforcement and Department of Environmental Management and Engineering; and having heard from the following involved and interested agencies: Rockland County Department of Highways, Rockland County Sewer District #1, Rockland County Health Department, New York State Department of Transportation, and Town of Orangetown Zoning Board of Appeals, and having reviewed a Plan by prepared by Sparaco and Youngblood, a summary of the reasons supporting this determination are, and the Planning Board finds that the proposed action:

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

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

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

TOWN OFFICE  
3000 SPYGLASS HARBOR

2013 JAN 16 AM 11:53

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2. The following note shall be placed on the Site Plan regarding Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.
3. The use of the building shall be disclosed. The current analysis was done using the LIO Zone District, Group CC.
4. The Short Environmental Assessment Form shall be completed as follows:
  - Name of Action or Project – needs to be filled in.
  - Item #2 needs to include “Building Permit”.
  - Item #3c needs to be answered.
  - Items #5a and b needs to be answered “No”.
  - Item #13b needs to be answered “Yes”.
5. The parking calculations need to be submitted based on the proposed use.
6. A Jurisdictional Determination letter from the United States Army Corp. of Engineers (ACOE) needs to be submitted.
7. The property currently contains a pre-existing nonconforming residence. Clarify the intended outcome of the residence such as “to be removed”; variance will be sought, etc.
8. The proposed landscaping, lighting and building façade shall be reviewed by the Town of Orangetown Architecture and Community Appearance Board of Review.
9. The following variances shall be sought from the Town of Orangetown Zoning Board of Appeals:

<b>Minimum Front Yard</b> Required is 100 feet (LIO zone, Col. 8)	<b>Proposed</b> 58.3 feet
<b>Minimum Side Yard</b> Required is 100 feet (LIO zone, Col. 9)	53.1 feet
<b>Minimum Building Height</b> Allowed is 13.28 feet (The height is taken from the closes property line of 53.1 feet) (LIO zone, Col. 12)	30 feet

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10. The Bulk Table has "R-LIO" listed as the zone district; however, the zone district is LIO. The Site Plan shall be corrected.
11. The drainage calculations are currently under review by DEME. However, a SWPPP shall be prepared by a licensed New York State professional engineer for this Site Plan, and submitted to DEME for review and approval.
12. The Soil Erosion and Sediment Control plans and details are under review by DEME.
13. Copies of all correspondence, including any and all approvals, with the New York State Department of Environmental Conservation, U.S. Army Corps of Engineers, the Rockland County Drainage Agency, etc., in connection with this proposed site plan, shall be supplied to the Planning Board and DEME, prior to signing the map.
14. Sanitary calculations for the proposed site, prepared and sealed by a New York State Licensed Professional Engineer, shall be submitted to DEME for review and approval.
15. Depending on the use of the proposed building, an industrial user wastewater permit, from DEME, may be required for the proposed connection to the Town of Orangetown sewer system.
16. To reduce the amount of impervious surfaces, the applicant shall consider altering the two driveway openings by narrowing the opening and defining a one way in (at the north opening) and one way out (at the south opening). This will also improve traffic flow through the site.
17. The manhole cover detail, sheet 7 of 9, shall reflect a Campbell Foundry model #1012b frame cover with cover detail, including town name "Town of Orangetown Sewer Department".
18. An undisturbed area shall be created along the southerly property line. The undisturbed area shall be a minimum 10 foot width along from the property line, except for the first 10 feet starting from the south west corner of the property by Blaisdell Road.
19. The Drainage Consultant to the Planning Board, Brooker Engineering, reviewed the plans and submitted information and found the following:  
The application shows that potential significant adverse impacts with respect to drainage can be mitigated. Therefore, the Drainage Consultant recommends that the Skae Site Plan be approved for drainage subject to the following Project Comments.

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**Project Description**

This is the Planning Board Drainage Consultant's first drainage review report to the Planning Board for this project. The property is located on the east side of Blaisdell Road, just north of the border with New Jersey. The site is heavily wooded and slopes downhill in an easterly manner. The site is heavily encumbered by wetlands and a portion of wetlands are proposed to be filled by



the proposed construction activity. A stormwater detention facility is proposed to intercept runoff from the new parking lot and building.

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**Continuation of Condition #19...**

**Project Comments**

1. The four catch basins that intercept stormwater runoff from Blaisdell Avenue divert this off-site runoff around the proposed detention facility and discharge the runoff to the wetland area south of the building. It is recommended that this branch of the storm drainage system be discharged on the north side of the building; the four proposed catch basins along the new entrances can remain but the direction of stormwater flow will be reversed. This will provide more separation between discharge point of this system and the existing residential property to the south.
2. The northeast corner of the building shows a proposed door. The first floor is at elevation 80.0 and the proposed grade in this area is 71.0. The plans shall note if a basement is proposed or not. If a basement is proposed, the foundation drain shall be added to the plan. If no basement is proposed, steps and walk for this rear door shall be shown on the site plan.
3. The drainage narrative shall clearly show the capacity and design flows of the pipe system for the off-site area that enters the site and is diverted around the detention facility. It appears from the HEC-1 model that the 25-year design flow is 6.23 cfs and the 100-year design flow is 10.77 cfs. The drainage report assumes none of the off-site runoff enters the detention system; if the off-site system surcharges then overflows will enter the detention basin.
4. A map note shall be added to the plan indicating land disturbance. It appears that less than one acre is proposed to be disturbed, in which case post construction water quality measures and a full SWPPP is not required.
5. The hydrologic model in the drainage report includes a 3.98 acre offsite subarea on the west side of Blaisdell Road. Peak flows from the stormwater hydrograph of this subarea are added to the routed outflow hydrograph of the on-site subarea that is routed through the detention basin. It appears that this off-site subarea is intercepted by the crown on Blaisdell Road and conveyed to the storm drainage system on the west side of the road, and therefore does not enter the site. Combining the large off-site subarea with the smaller on-site subarea may underestimate the required storage of the detention basin. The applicant's engineer should verify the drainage pattern and revise the calculations if necessary.

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**Continuation of Condition #19...**

6. Additional provisions should be added to the plan to collect leaves and debris in the catch basins prior to entering the underground detention system. At a minimum, hoods should be added to the outlet pipes at each catch basin of the storm drainage system that enters the detention system. A trash rack should be added to the outlet structure to prevent clogging of the proposed four inch control orifice.
  7. A curve number of 64 is used for the proposed conditions AstroTurf subarea. Supporting documentation for this curve number should be provided. A detail of the AstroTurf should be provided and any underdrains indicated on the Site Plan.
  8. A maintenance plan of the detention system shall be added to the Site Plan.
  9. Show elevations of the detention system on the MC-4500 Stormtech Chamber Detail on Drawing 8. For ease of inspection during construction, add a plan view of the detention system showing the number of Stormtech units.
  10. Any required Army Corps of Engineers permits shall be noted on the Site Plan.
- 20.** Rockland County Department of Planning had the following comments which are incorporated herein as conditions of approval:
1. A review must be completed by the County of Rockland Department of Highways and all required permits obtained.
  2. Since it is proposed that a portion of the site will be built within the Army Corps of Engineers (ACOE) wetlands, and the wetlands filled, a Joint Permit Application is required. The applicant must also demonstrate that all practicable steps have been taken to avoid and minimize impacts to the on-site aquatic resources. A redesign of the project may be required, and consideration of alternative project sites that contain less or no aquatic resources may also be required. Compensatory mitigation can be considered only after avoidance and minimization efforts and consideration of alternatives have been evaluated by the ACOE.
  3. A review must be completed by the Rockland County Department of Health and all required permits obtained.

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**Continuation of Condition #20.....**

4. Clearing limit areas must be marked in the field prior to any grading or construction on site to avoid any encroachments into the wetland area.
5. It is not clear how the proposed AstroTurf athletic field will be used. Will it be used for club members only, leased out to teams, used by schools, etc. It is also unclear what sports will be utilizing this field. If a sport such as rugby, football, or lacrosse will be using the field, the team members alone will consist of at least 20 individuals per team; with two teams consisting of at least 40 players. This does not include the spectators, referees, coaches, or other necessary staff (i.e. time keeper, score keeper). Though 39 parking spaces have been provided, 13 more spaces than required, will this be adequate for team members, associated staff and spectators?
6. No fields of illumination shall shine into the County right of way.
7. Prior to the start of construction or grading, a Soil and Erosion Control Plan shall be developed and in place for the entire site that meets the latest edition of the New York State Guidelines for Urban Erosion and Sediment Control.
8. There shall be no net increase in the peak rate of discharge from the site at all design points.
9. The Borough of Old Tappan, New Jersey is one of the reasons this proposal was referred to Rockland County Department of Planning for review. The municipal boundary is directly adjacent to the site to the south. New York State General Municipal Law states that the purposes of Section 239-1, 239-m and 239-n of the law shall be to bring pertinent intercommunity and countywide planning, zoning, site plan and subdivision considerations to the attention of neighboring municipalities and agencies having jurisdiction. Such review may include intercommunity and county-wide considerations in respect to the compatibility of various land uses with one another; traffic generating characteristics of various land uses in relation to the effect of such traffic on other land uses and to the adequacy of existing and proposed thoroughfare facilities; and the protection of community character as regards predominate land uses, population density, and the relation between residential and nonresidential area. In addition, Section 239-nn was recently enacted to encourage the coordination of land use development and regulation among adjacent municipalities, so that, as a result, development occurs in a manner that is supportive of the goals and objections of the general area. The Borough of Old Tappan, New Jersey, must be given the opportunity to review the proposal and its impact on community character, traffic, water quantity and quality, drainage stormwater runoff and sanitary sewer service. The areas of countywide concern noted above that directly impact the Borough of Old Tappan must be considered and satisfactorily addressed, as well as any additional concerns about the proposal.

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Continuation of Condition #20.....

10. If any variances will be needed to implement the proposed site plan, the Rockland County Department of Planning requests the opportunity to review the proposed variances, as required by New York State General Municipal Law, Section 239-m(3)(v).
11. As required by the Rockland County Stream Control Act, the subdivision plan must be signed by the Chairman of the Rockland County Drainage Agency before the County Clerk can accept the plan to be filed.

21. The Rockland County Department of Highways and the following comments:

1. The area between the existing Right of Way and the Designated Street Line along Blaisdell Road shall be shown as dedicated to the County of Rockland at the area under consideration.
  2. The applicant shall prepare a traffic impact and access assessment statement to determine what impact if any of the proposed development may have upon the county roads.
  3. The new sanitary sewer line is shown to go through Blaisdell Road from New Jersey border of the subject property to an existing manhole past the Blaisdell Road and Ramland Road intersection. Rockland County Department of Highways will require a full curb to curb restoration for the pavement that is disturbed within the county roadway.
  4. Rockland County Highway Department typical trench detail in paved area shall be followed for the removal and restoration of existing pavement. No road closing will be allowed at any time during the construction.
  5. No road opening will be permitted between November 15<sup>th</sup> and April 1<sup>st</sup> on the county roads.
  6. The traffic loops, line striping, pavement marking, crosswalks and other similar disrupted traffic signal items near the intersection of Blaisdell Road and Ramland Road shall be restored to its original condition.
  7. A 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.
  8. A separate Rockland County Highway Department Road Opening Permit will be required for the proposed utility connection with Blaisdell Road.
22. The Rockland County Department of Health (RCDOH) reviewed the plans and offered the following comments:
- Sanitary sewer extension application is to be made to the RCDOH.
  - Application is to be made to the RCDOH for review of the storm water management system for compliance with the County Mosquito Code.

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**PB #13-52: Skae Site Plan – Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision  
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**23.** The Rockland County Sewer District #1 does not object to the plan as shown. This project does not affect any sanitary sewers within the District and request no future correspondence for this site.

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

- Install an NFPA 13 compliant Fire Sprinkler system. Maintain the sprinkler system according to NFPA 25.
- Install and maintain an NFPA 72 compliant Fire Alarm System. Connected to Rockland County 44-Control, with amber and red strobes as per Orangetown code.
- Install and maintain portable fire extinguishers as required by NFPA 10.
- Install Emergency lighting as per NEC.
- Provide Key Box.
- Apply for and maintain Certificate of Compliance Fire Safety with the Bureau of Fire Prevention.
- Provide and maintain Fire Lane/Zone signage and striping and show all signage and markings on the final approved Site Plan.
- If lightweight trusses are used, a sign must be placed on the exterior of the building facing main entrance.

**25.** The New York State Department of Transportation has reviewed the information provided and had no further comments on the proposed subject property.

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

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

**28.** 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.

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

- Rockland County Department of Highways
- Rockland County Sewer District #1
- Rockland County Health Department
- New York State Department of Transportation
- Town of Orangetown Zoning Board of Appeals

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- 30. TREE PROTECTION:** The following note shall be placed on the Site Plan: The Tree Protection and Preservation Guidelines adopted pursuant to Section 21-24 of the Land Development Regulations of the Town of Orangetown will be implemented in order to protect and preserve both individual specimen trees and buffer area with many trees. Steps that will be taken to reserve and protect existing trees to remain are as follows:
- a. No construction equipment shall be parked under the tree canopy.
  - b. There will be no excavation or stockpiling of earth underneath the trees.
  - c. Trees designated to be preserved shall be marked conspicuously on all sides at a 5 to 10 foot height.
  - d. The Tree Protection Zone for trees designated to be preserved will be established by one of the following methods:
    - One (1) foot radius from trunk per inch DBH
    - Drip line of the Tree Canopy. The method chosen should be based on providing the maximum protection zone possible. A barrier of snow fence or equal is to be placed and maintained one yard beyond the established tree protection zone. If it is agreed that the tree protection zone of a selected tree must be violated, one of the following methods must be employed to mitigate the impact:
      - Light to Heavy Impacts – Minimum of eight inches of wood chips installed in the area to be protected. Chips shall be removed upon completion of work.
      - Light Impacts Only – Installation of ¾ inch of plywood or boards, or equal over the area to be protected.
- The builder or its agent may not change grade within the tree protection zone of a preserved tree unless such grade change has received final approval from the Planning Board. If the grade level is to be changed more than six (6) inches, trees designated to be preserved shall be welled and/or preserved in a raised bed, with the tree well a radius of three (3) feet larger than the tree canopy.

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

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

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**PB #13-52: Skae Site Plan – Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec.**

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33. The contractor's trailer, if any is proposed, shall be located as approved by the Planning Board.
34. If the applicant, during the course of construction, encounters such conditions as flood areas, underground water, soft or silty areas, improper drainage, or any other unusual circumstances or conditions that were not foreseen in the original planning, such conditions shall be reported immediately to DEME. The applicant shall submit their recommendations as to the special treatment to be given such areas to secure adequate, permanent and satisfactory construction. DEME shall investigate the condition(s), and shall either approve the applicant's recommendations to correct the condition(s), or order a modification thereof. In the event of the applicant's disagreement with the decision of DEME, or in the event of a significant change resulting to the subdivision plan or site plan or any change that involves a wetland regulated area, the matter shall be decided by the agency with jurisdiction in that area (i.e. Wetlands - U.S. Army Corps of Engineers).
35. Permanent vegetation cover of disturbed areas shall be established on the site within thirty (30) days of the completion of construction.
36. Prior (at least 14 days) to the placing of any road sub-base, the applicant shall provide the Town of Orangetown Superintendent of Highways and DEME with a plan and profile of the graded road to be paved in order that these departments may review the drawings conformance to the approved construction plans and the Town Street Specifications
37. The Planning Board shall retain jurisdiction over lighting, landscaping, signs and refuse control.

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

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

**Dated: December 11, 2013**

**Town of Orangetown Planning Board**

attachment



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TOWN OF ORANGETOWN

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

**PB #13-52: Skae Site Plan – Preliminary Site Plan Approval Subject to  
Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision  
December 11, 2013**

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Regulation) of the Environmental Conservation Law.

The PLANNING BOARD, TOWN OF ORANGETOWN, as Lead Agency, has determined that the proposed action described below will not have a significant impact on the environment and a Draft Environmental Impact Statement will not be prepared.

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

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

**DESCRIPTION OF ACTION:** Site Plan

**LOCATION:** The site is located at 337 – 339 Blaisdell Road, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 76.08, Block 1, Lot 3 & 4 in the LIO 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 #13-53: Dominick & White Resubdivision Plan: Final Resubdivision Plan Approval Subject to Conditions**

**Town of Orangetown Planning Board**

**December 11, 2013**

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**TO: Donald Brenner, 4 Independence Avenue, Tappan,  
New York 10983**

**FROM: Orangetown Planning Board**

**RE: Dominick & White Resubdivision Plan:** The application of Wojciech Dominik, applicant, for W. Dominik and Frederika White, owners, (Donald Brenner, attorney for the applicant), for Final Resubdivision Plan Review, at a site to be known as “**Dominick & White Resubdivision Plan**”, in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21 of the Code of the Town of Orangetown. The site is located at 110 Old Pascack Road and 21 Buchanan Street, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 68.14, Block 2, and Lots 21 & 23 in the R-15 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, December 11, 2013**, the Board made the following determinations:

Saran Torrence and Donald Brenner 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, signed by John Giardiello, P.E., Director, dated December 11, 2013.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated September 12, 2013.
4. Letters from Rockland County Department of Planning, signed by Thomas Vanderbeek, Commissioner of Planning, dated November 14 and December 3, 2013.
5. A letter from the Rockland County Department of Highways, signed by Sonny Lin, P.E., dated November 22, 2013.
6. A letter from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated November 21, 2013.
7. A Subdivision Plan prepared by Robert E. Sorace, PLS, dated June 28, 2013, revised November 8, 2013.
8. Copies of the following Board Decisions: ZBA #13-88, Lot Area Variance Approved, dated December 4, 2013 and PB #13-38, Preliminary Subdivision Plan Approval Subject to Conditions, Neg. Dec., dated September 18, 2013.

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

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TOWN OF ORANGETOWN

**PB #13-53: Dominick & White Resubdivision Plan: Final Subdivision Plan Approval Subject to Conditions**

**Town of Orangetown Planning Board  
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**DECISION:** In view of the foregoing and the testimony before the Board, the applicant was **Granted Final Resubdivision Plan Approval Subject to the Following Conditions:**

1. The following note shall be placed on the Subdivision Plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a Pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a meeting."
2. 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. Since the applicant is unsure of the development plans at this time, they shall re-appear at the Planning Board upon submission of a Development Plan to the Building Department.
4. The applicant shall comply with all pertinent and applicable conditions of all previous Board Decisions: ZBA \$#13-88, Lot Area Variance Approved, dated December 4, 2013 and PB #13-38, Preliminary Subdivision Plan Approval Subject to Conditions, Neg. Dec., dated September 18, 2013.
5. A note shall be added to the plan indicating the source benchmark for the referenced datum, including the BM elevation.
6. Rockland County Department of Planning had the following comments which are incorporated herein as conditions of approval:
  1. A review must be completed by the County of Rockland Department of Highways and all required permits obtained.
  2. As required by the Rockland County Stream Control Act, the subdivision plan must be reviewed and signed by the Chairman of the Rockland County Drainage Agency before the County Clerk can accept the plan to be filed.

TOWN CLERKS OFFICE  
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**PB #13-53: Dominick & White Resubdivision Plan: Final Resubdivision Plan  
Approval Subject to Conditions**

**Town of Orangetown Planning Board Decision  
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**Continuation of Condition #6**

3. As indicated in the November 21, 2013 letter from the Rockland County Department of Health, if a storm water management system is required to remediate any increase in impervious coverage, 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.
4. The proposed 14.375' easement for road widening purposes shall be changed to a gratuitous dedication to the Rockland County Department of Highways.
5. Land area within the road widening purposes shall not be counted toward the lot area count for proposed lot #3. This will result in having less than the required lot area for lot #3, therefore a variance will also be required for that lot. In addition, measurements for side yard should be taken only to the dedication line, not the existing property line.
7. The Rockland County Department of Highways (RCDH) reviewed the plans and found that the subdivision as shown and offered the following remarks for consideration:
  1. RCDH would accept an easement offer for the strip between the designated street line and the right of way line along Old Pascack Road in lieu of gratuitous dedication.
  2. The proposed 14.375 foot easement shall be shown as for general municipal purposes in lieu of road widening purposes.
  3. It is recommended a turn-around area be provided at the paved driveway for Lot #3.
  4. Trimming of trees and bushes may be required along Filmore Street from the paved driveway to Old Pascack Road corner to improve sight distance near the intersection.
  5. A Rockland County Highway Department Work Permit will be required prior to any proposed construction on Site.
8. Based on the information provided, there are no Rockland County Department of Health approvals needed for this application. Should the Town of Orangetown require a storm water management system to remediate the increase in impervious coverage, application is to be made to the Rockland County Department of Health for review of the Stormwater Management system for compliance with the County Mosquito Code.

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**PB #13-53: Dominick & White Resubdivision Plan: Final Resubdivision Plan Approval Subject to Conditions**

**Town of Orangetown Planning Board Decision  
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9. The applicant shall comply with all pertinent items in the Guide to the Preparation of Subdivision Plans prior to signing the final plans.
10. All reviews and approvals from various governmental agencies must be obtained prior to stamping of the Subdivision Plan.
11. 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.
12. 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.
13. TREE PROTECTION: The following note shall be placed on the Subdivision Plan:  
The Tree Protection and Preservation Guidelines adopted Pursuant to Section 21-24 of the Land Development Regulations of the Town of Orangetown will be implemented in order to protect and preserve both individual Specimen trees and buffer area with many trees. Steps that will be taken to Reserve and protect existing trees to remain are as follows:  
a. No construction equipment shall be parked under the tree canopy.  
b. There will be no excavation or stockpiling of earth underneath the trees.  
c. Trees designated to be preserved shall be marked conspicuously on all sides at a 5 to 10 foot height.  
d. The Tree Protection Zone for trees designated to be preserved will be established by one of the following methods:
- One (1) foot radius from trunk per inch DBH
  - Drip line of the Tree Canopy. The method chosen should be based on providing the maximum protection zone possible. A barrier of snow fence or equal is to be placed and maintained one yard beyond the established tree protection zone. If it is agreed that the tree protection zone of a selected tree must be violated, one of the following methods must be employed to mitigate the impact:
    - Light to Heavy Impacts – Minimum of eight inches of wood chips installed in the area to be protected. Chips shall be removed upon completion of work.
    - Light Impacts Only – Installation of ¾ inch of plywood or boards, or equal over the area to be protected.

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**PB #13-53: Dominick & White Resubdivision Plan: Final Resubdivision Plan Approval Subject to Conditions**

**Town of Orangetown Planning Board Decision**

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

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

- 14.** All landscaping shown on the subdivision plans shall be maintained in a vigorous growing condition throughout the duration of the use of this site. Any plants not so maintained shall be replaced with new plants at the beginning of the next immediately following growing season.
- 15.** Prior to the commencement of any site work, including the removal of trees, the applicant shall install the soil erosion and sedimentation control as required by the Planning Board. Prior to the authorization to proceed with any phase of the site work, the Town of Orangetown Department of Environmental Management and Engineering (DEME) shall inspect the installation of all required soil erosion and sedimentation control measures. The applicant shall contact DEME at least 48 hours in advance for an inspection.
- 16.** The contractor's trailer, if any is proposed, shall be located as approved by the Planning Board.
- 17.** If the applicant, during the course of construction, encounters such conditions as flood areas, underground water, soft or silty areas, improper drainage, or any other unusual circumstances or conditions that were not foreseen in the original planning, such conditions shall be reported immediately to DEME. The applicant shall submit their recommendations as to the special treatment to be given such areas to secure adequate, permanent and satisfactory construction. DEME shall investigate the condition(s), and shall either approve the applicant's recommendations to correct the condition(s), or order a modification thereof. In the event of the applicant's disagreement with the decision of DEME, or in the event of a significant change resulting to the subdivision plan or site plan or any change that involves a wetland regulated area, the matter shall be decided by the agency with jurisdiction in that area (i.e. Wetlands - U.S. Army Corps of Engineers).
- 18.** Permanent vegetation cover of disturbed areas shall be established on the site within thirty (30) days of the completion of construction.

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**PB #13-53: Dominick & White Resubdivision Plan: Final Resubdivision Plan Approval Subject to Conditions**

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

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

**Override**

The Board made a motion to override Condition #3 of the December 3, 2013 letter from Rockland County Department of Planning, signed by Thomas B. Vanderbeek, Commissioner of Planning, for the following reasons:

- 3) Only 50% of the land area within the proposed road widening easement can be counted towards the lot area. Subtracting this land area out would result in the need for a lot area variance for lot #3.

The Board held that the proposed easement area was not considered in the calculation of the lot area.

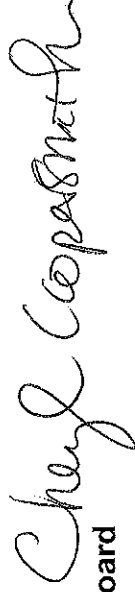
A motion to override the condition was made and moved by Bruce Bond and seconded by Michael Mandel and carried as follows: Bruce Bond, aye; Kevin Garvey, aye; Robert Dell, aye; Michael Mandel, aye; Jeffrey Golda, aye; William Young, aye and John Foody, aye.

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

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

**Dated: December 11, 2013**

**Town of Orangetown Planning Board**



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