

**Meeting of January 14, 2015  
Town of Orangetown Planning Board**

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

**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 Cheryl Coopersmith, Chief Clerk

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

**Continued Item from the November 12, 2014 Meeting:**

<b>50 Ramland Road Wireless Communication</b>	<b>PB #14 - 48</b>
Facility Site Plan Review and Special Permit Prepreliminary/ Preliminary Site Plan Review, Special Permit and SEQRA Review 50 Ramland Road, Orangeburg 73.20/1/30; LIO zoning district	<b>Special Permit Granted and Preliminary Site Plan Approval Subject to Conditions/Neg. Dec.</b>

<b>Sapienza Site Plan –CEA</b>	<b>PB #15 - 01</b>
Amendment to Preliminary Approval PB#08-59 and Final Site Plan Review Critical Environmental Area 253 South Boulevard, Upper Grandview 65.20/1/7; R-40 zoning district	<b>Amended PB#08-59 and Granted Final Site Plan Approval Subject to Conditions Reaffirmation of SEQRA Neg. Dec.</b>

<b>Orangetown Shopping Center Site Plan</b>	<b>PB #15 - 02</b>
Final Site Plan Orangetown Shopping Center, Orangeburg 74.10/1/67; CS zoning district	<b>Final Site Plan Approval Subject to Conditions</b>

<b>Hillside Commercial Park Site Plan</b>	<b>PB #14 - 27</b>
Final Site Plan Review 68.11/3/39 & 40; LI zoning district	<b>Postponed</b>

**Other Business:** At the December 9, 2014 Town Board Meeting, the Town Board adopted a resolution referring a Petition to the Planning Board for review and comment for a Mixed Use Special Permit at Orangeburg Commons Shopping Center:

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FB Greenbush LLC for Mixed-Use Expansion Special Permit Tax Map  
Designation: Section 74.15, Block 1, Lot 22

FB Orangetown LLC for Amended Special Permit for Mixed-Use Development on  
Tax Map Designation: Section 74.15, Block 1, Lot 21

**RECOMMENDATION:** At the January 14, 2015 Planning Board Meeting, the Planning Board recommended Approval of the Special Permit/Amendment Application to the Town Board.

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

A motion was made and moved to go into Executive Session to discuss PB #14-37, September 10, 2014; Section 68.08, Block 1, Lot 1; Anellotech, Inc. Article 78 Petition at 8:30 p.m. by Thomas Warren and seconded by Michael Mandel and carried as follows: William Young, aye; Kevin Garvey, aye, Thomas Warren, aye, Robert Dell, aye; Bruce Bond, aye; Michael Mandel, aye and Stephen Sweeney, aye.

A motion was made and moved to close the Executive Session 8:50 p.m. by Bruce Bond and seconded by Michael Mandel and carried as follows: William Young, aye; Kevin Garvey, aye, Thomas Warren, aye, Robert Dell, aye; Bruce Bond, aye; Michael Mandel, aye and Stephen Sweeney, aye.

The decisions of the December 10, 2014 Planning Board Meeting was reviewed, edited, and approved. The motion for adoption was made and moved by Michael Mandel and seconded by Bruce Bond and carried as follows: William Young, aye; Kevin Garvey, aye, Thomas Warren, abstain, Robert Dell, aye; Bruce Bond, aye; Stephen Sweeney, aye and Michael Mandel, aye.

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

Since there was no further business to come before the Board, a motion to adjourn the meeting was made by Bruce Bond and seconded by William Young and agreed to by all in attendance. The meeting was adjourned at 9:00 p.m. The next Planning Board meeting is scheduled for January 28, 2015.

**DATED: January 14, 2015**  
**Cheryl Coopersmith**  
**Chief Clerk Boards and Commissions**



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**PB #14-48: 50 Ramland Road Wireless Telecommunication Plan -  
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TO: Leslie Snyder, Snyder & Snyder, 94 White Plains Road, Tarrytown,  
New York 10591  
FROM: Orangetown Planning Board

RE: 50 Ramland Road Wireless Telecommunication Facilities Plan and  
Special Permit: The application of Wireless Edge Towers, LLC, applicant, for 50  
Ramland, LLC, owner, (Snyder & Snyder, LLP, attorney for the applicant) for  
Prepreliminary/ Preliminary Site Plan Review and Special Permit, at a site to be  
known as **"50 Ramland Road Wireless Telecommunication Facilities Site  
Plan and Special Permit"**, 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 50 Ramland Road, Orangeburg, Town of Orangetown, Rockland  
County, New York, and as shown on the Orangetown Tax Map as Section 73.20,  
Block 1, Lot 30 in the LIO zoning district.

Heard by the Planning Board of the Town of Orangetown at meetings held  
**Wednesday, November 8, 2014 and January 14, 2015**, the Board made the  
following determinations:

**November 8, 2014**

Leslie Snyder and John Arthur appeared and testified for the applicant.

The Board received the following communications:

1. Project Review Committee Report dated November 5, 2014.
2. An interdepartmental memorandum from the Office of Building, Zoning,  
Planning Administration and Enforcement, Town of Orangetown, signed by  
John Giardiello, P.E., Director, dated November 12, 2014.
3. An Interdepartmental memorandum from the Department of Environmental  
Management and Engineering (DEME), Town of Orangetown, signed by  
Bruce Peters, P.E., November 6, 2014.
4. A letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated  
November 4, 2014.
5. Letters from the Rockland County Department of Planning, signed by  
Douglas J. Schuetz, Acting Commissioner of Planning, dated  
November 10, 2014 and Arlene Miller, dated November 7, 2014.
6. Letters from the Rockland County Department of Health, signed by  
Scott McKane, P.E., Senior Public Health Engineer, dated October 17 and  
October 21, 2014.
7. A letter from Rockland County Sewer District, signed by Joseph LaFiandra,  
Engineer II, dated October 23, 2014.
8. A letter from the Town of Orangetown Zoning Board of Appeals, signed by  
Dan Sullivan, dated October 14, 2014.

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9. A letter from the New York State Department of Environmental Conservation, Division of Environmental Permits, Region 3, signed by Ashley Wilson, Environmental Analyst, dated November 12, 2014.
10. A letter to the Planning Board from Snyder & Snyder, LLP signed by Leslie J. Snyder, dated October 9, 2014.
11. A letter to the Planning Board from Snyder & Snyder, LLP signed by Leslie J. Snyder, dated November 12, 2014, with an attachment of an Affidavit from Verizon Wireless radio frequency consultant, Anthony Wells, dated November 11, 2014.
12. Copy of the May 12, 2014 Building Permit Referral to the Planning Board.
13. Submitted by applicant; Memorandum in Support of Application for Special Permit and Site Plan Approval for a Public Utility Wireless Communication Facility, prepared by Wireless Edge Towers LLC and New York SMSA Limited Partnership d/b/a Verizon Wireless, as co-locator.
14. Full Environmental Assessment Form, signed by Donna Stipo, President, DMS Consulting Services, dated October 9, 2014.
15. Plans prepared by French & Parrello Associates Consulting Engineers, dated October 24, 2014, print dated of May 8, 2014:
  - Sheet Number C-01: Cover Sheet
  - Sheet Number SP-1: Site Plan & Notes
  - Sheet Number SP-1B: Site Plan Details
  - Sheet Number SP-2: Enlarged Area Plan
  - Sheet Number SP-3: Elevation
  - Sheet Number SP-4: Site Details
  - Sheet Number SP-5: Shelter Details
  - Sheet Number SP-6: Generator Details

The Board reviewed the plans.

The applicant requested a **CONTINUATION**.

**January 14, 2015**

Leslie Snyder. Josh Catrell and Joseph Walsh appeared and testified for the applicant.

The Board received the following communications:

1. Project Review Committee Report dated January 7, 2015.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated January 14, 2015.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., January 9, 2015.

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4. A letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated January 13, 2015.
5. A letter to the Planning Board from Snyder & Snyder, LLP signed by Leslie J. Snyder, dated January 6, 2015
6. A letter to the Planning Board from Snyder & Snyder, LLP signed by Jordan M. Fry, dated December 30, 2014, with an attachment entitled Supplemental RF Affidavit, signed by Anthony Wells.
7. Visual Analysis of Proposed Public Utility Wireless Communication Facility, prepared by APT Engineering, dated December 2014.
8. Stormwater Management Report prepared by French & Parrello Associates Consulting Engineers, dated January 6, 2015.
9. Plans prepared by French & Parrello Associates Consulting Engineers, dated October 24, 2014, print dated of December 29, 2014:
  - Sheet Number C-01: Cover Sheet
  - Sheet Number SP-1: Site Plan & Notes
  - Sheet Number SP-1B: Site Plan Details
  - Sheet Number SP-2: Enlarged Area Plan
  - Sheet Number SP-3: Elevation @125'
  - Sheet Number SP-3a: Elevation @150'
  - Sheet Number SP-4: Site Details
  - Sheet Number SP-5: Shelter Details
  - Sheet Number SP-6: Generator Details
  - Sheet Number SESC-1: Soil Erosion & Sediment Control Plan and Details

The Board reviewed the plans.

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

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

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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 French & Parrello Associates Consulting Engineers and having heard from the following offices, officials and/or Departments: (Town of Orangetown): Project Review Committee, Office of Building, Zoning, Planning Administration and Enforcement and Department of Environmental Management and Engineering; and having heard from the following involved and interested agencies: Town of Orangetown Zoning Board of Appeals, Rockland County Department of Health, Rockland County Sewer District No.1, New York State Department of Environmental Conservation, and Rockland County Department of Planning, and having reviewed proposed Site Plans by prepared by French & Parrello Associates Consulting Engineers, 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.

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

**DECISION: In view of the foregoing and the testimony before the Board, the application was granted a SPECIAL PERMIT.**

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

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

1. The Planning Board grants the applicant an amendment to the 100 foot buffer greenbelt line, originally approved under the Office Park Subdivision Plan. This site plan amendment allows for the disturbance of 0.07 of an acre within the 100 foot buffer greenbelt line, and as shown on Site Plan Details, SP-1B.
2. The applicant has agreed to offer the Town of Orangetown placement on the proposed monopole to the extent feasible, for a wireless weather station.
3. The following note shall be placed on the Site Plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a Pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a Meeting."
4. Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations

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5. The applicant shall provide to the Planning Board and to the Architecture and Community Appearance Board of Review, graphic information that accurately portrays the visual impacts from various vantage points selected by the Planning Board. (Subsection M(1)).
6. The application shall be reviewed by the Town of Orangetown Architecture and Community Appearance Board of Review.
7. Remove all labels on the plan referring to "Proposed" items that are existing at the site.
8. The NEIR Report indicates compliance with the FCC regulations.
9. The proposed generator requires Performance Standards review the Town of Orangetown Zoning Board of Appeals.
10. The Full Environmental Assessment Form appears to be in order.
11. Drawing number SP-1B does not accurately reflect the changes to the grading and detention pond #2, as depicted on the drawing entitled "50 Ramland, LLC, Town of Orangetown, Rockland County, New York- Revised Grading Plan", prepared by Atzl, Scatassa & Zigler P.E., last updated 7-26-13, Revision 14 – Pond #2 expansion for changed field condition.
12. In response to the applicant's attorney's letter dated January 6, 2015, Section C (Response to DEME's letter of November 6, 2014) and the submitted Stormwater Management Plan, (dated January 6, 2015, Section 3.0 – Basis of Engineering Analysis and Compliance, Pages 3 & 4), DEME disagrees that the proposed gravel can be considered pervious. As spelled out in NYSDEC Stormwater Management Design Manual (NYSDECSMDM) Chapter 4- "Basis of Design for Water Quality", Page 4-3 – Paragraph one states "...*Impervious cover is defined as all impermeable surfaces and includes paved and gravel road surfaces, paved and gravel parking lots,...*" Therefore, DEME maintains that indeed the proposed 6,300 square feet of gravel, which also includes the new impervious roof for the proposed equipment shelter, **DOES** constitute a new impervious area and shall be addressed in the required SWPPP. Independent of that fact, because there is an existing SWPPP covering this site for previously approved site disturbances **AND** this application proposes to increase the amount of disturbances on this site (installation of underground utilities from Ramland Road to the "telecom compound", install fencing, gravel, tower shelter, etc.), an updated or amended SWPPP (which includes the total area of the aforementioned disturbances, with supporting drainage calculations must be supplied for this application.

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13. The Soil erosion and sediment control plans and details are under review by DEME. However, a stabilized construction entrance shall be added to the SESC plans.

14. The source benchmark and elevation for the given datum shall be added to the plans.

15. The Drainage Consultant to the Planning Board, Brooker Engineering, reviewed the information and plans submitted and held that application demonstrates that potential significant adverse impacts with respect to drainage can be mitigated and therefore recommends that the Wireless Edge – 50 Ramland Road Site Plan be approved for drainage subject to the following Project Comments.

This is the second drainage review report to the Planning Board for this project; the last report was dated November 4, 2014. The project includes the addition of approximately 6,300 square feet of new gravel area for a monopole and equipment storage. The construction detail shows a clean  $\frac{3}{4}$  inch gravel to be used for the ground cover; however, the voids between the uniform stone will be filled with leaf litter and debris in a relatively short period and this area will act as an impervious surface.

For this submission, the applicant demonstrates that runoff from the new gravel areas can be diverted to the existing stormwater management basin to mitigate against increases in stormwater runoff. The drainage calculations use an impervious surface value for the ground cover of the new gravel area.

**Project Comments**

1. The drainage calculations assume that the gravel area will be directed to the existing stormwater management basin to provide detention. A drainage system shall be incorporated into the site plan design the intercepts runoff from this area and conveys the runoff to the existing basin.
2. The drainage calculations shall include the NYSDEC "Overbank Flood Control Volume", which is the 10-year recurrence interval storm. No increases in runoff shall be provided for the 10-year storm.
3. The maintenance agreement for the stormwater management ponds shall be updated to include the new disturbed areas. The maintenance agreement shall be noted on the site plan.
4. Additional stormwater volume (i.e. a drywell or increasing the existing pond size) shall be provided to show no increases in runoff for the 25-year storm.
5. The filter fabric material shall be specified on the construction detail.

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**16.** The Rockland County Department of Planning reviewed the plans and provided the following comments which are incorporated herein as conditions of approval:

1. Review must be completed by the Rockland County Department of Highways and all required permits obtained.
2. A review shall be completed by the United States Army Corps of Engineers and all required permits obtained.
3. The lease area on the application Form and the Memorandum in Support of Application indicates that a 6,300 square foot area will be fenced and used for the proposed telecommunication facility. The Lease Exhibit, Exhibit B, and the Application for Building/ Demolition Permit both indicate that the lease area is proposed to be 6,900 square feet. This discrepancy must be resolved.
4. The location of the identification sign, as required in Chapter 43, Section 8.15(f), must be shown on the Site Plan.
5. The applicant must demonstrate that all conditions in Section 8.15L.(2) and (4) have been met. The proposed wireless telecommunication facility is being located within the 100' buffer of the greenbelt line. Since these facilities may not be located within buffers shown on an approved site plan or in a conservation or similar easement, a variance for its location may be required, or the location of the facility be moved. In addition, the applicant has not proven that the proposed height is the minimum height necessary for adequate operation to meet the applicant's communication needs and the aesthetic intrusion has been minimized to the greatest extent practicable. In fact, Exhibit 4, FCC Compliance Report, notes "there are no identifiable national or regional operators to include in the analysis." Indicating that the proposed 150 foot tall tower, is substantially higher than may be needed. The applicant must demonstrate that the height and location are consistent with the special permit requirements.
6. Though the applicant states that the Facility is strategically located, and that it is screened by mature vegetation and proposed landscaping, as required in Section 8-15M (1), a visual analysis must be done using graphic information that accurately portrays the visual impact of the proposed tower from various vantage points selected by the Planning Board, such as but not limited to parks, designated historic sites or districts or designated scenic areas. This graphic information may be provided in the form of photographs or computer generated images with the tower superimposed, as may be required by the Planning Board.
7. The landscaping plan only shows that Arborvitae will be planted outside of the fenced area. As required in Section 8-15 N (3), "Any antenna facility requiring a tower or pole shall plant trees around the facility of a minimum height of 10 feet at planting that will, over time, reduce the visual impact from the tower or pole." The Planning Board must determine if the existing vegetation is sufficient to meet this requirement.

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**Continuation of Condition #16...**

8. A grading plan must be provided of the site disturbance around the proposed facility. It is not clear how extensive the onsite grading will be. Topography, elevations and other ground measurements must be provided on the plan. No disturbance to the wetlands or grading within its boundary can be allowed.
9. The proposed silt fencing ends midway to the equipment building, and does not continue completely around the site. Erosion control measures must completely surround the site, as ground disturbance for installation of the fencing, landscaping, etc. will occur past the proposed silt fencing, especially since Federal wetlands are located less than five feet from the fenced area.

**17.** The Rockland County Department of Health has received the plans and based on the information provided, there are no Rockland County Health Department approvals associated with this application.

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

**19.** Based upon the circulated documents, the New York State Department of Environmental Conservation (NYSDEC) holds that the project will require NYSDEC permits as indicated below:

• **Threatened & Endangered Species:** According to Department records, the Bald Eagle has been recorded within or near the project site. Potential impacts of the proposed project on this species should be fully evaluated during the review of the project pursuant to SEQR. In addition, project modification may be needed to adequately mitigate any potential impacts identified. Note that Pursuant to 6 NYCRR Part 182, Endangered and Threatened Species, an Incidental Take permit is required for any proposed activity that will result in a "take", which includes by is not limited to, adverse modification, degradation, or destruction of occupied habitat, or any species listed as endangered or threatened (Section 11-0535 of the Environmental Conservation Law).

• **Cultural Resources:** Project is located within an area considered to be sensitive with regard to archaeological resources. The project will required the review of the New York State Office of Parks, Recreation and Historic Preservation. Archaeological Sites borders on the Palisades Interstate Parkway.

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

- Rockland County Health Department
- Town of Orangetown Zoning Board of Appeals
- Rockland County Department of Highways
- Rockland County Department of Planning
- Rockland County Sewer District No. 1
- New York State Department of Environmental Conservation

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

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

**23.** All of the conditions of this decision, shall be binding upon the owner of the subject property, its successors and/or assigns, including the requirement to maintain the property in accordance with the conditions of this decision and the requirement, if any, to install improvements pursuant to Town Code §21A-9. Failure to abide by the conditions of this decision as set forth herein shall be considered a violation of Site Plan Approval pursuant to Town Code §21A-4.

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

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

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**Continuation of Condition #24...**

- 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.

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

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

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

TOWN CLERKS OFFICE  
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**PB #14-48: 50 Ramland Road Wireless Telecommunication Plan -  
Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec. and  
Special Permit Granted**

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

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

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

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

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

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

**Dated: January 14, 2015**  
**Town of Orangetown Planning Board**  
attachment



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

**PB #14-48: 50 Ramland Road Wireless Telecommunication Plan and  
Special Permit Approved Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision**  
**January 14, 2015**

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

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

**NAME OF ACTION: 50 Ramland Road Wireless Telecommunication Plan  
and Special Permit Approved Subject to Conditions**

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

**DESCRIPTION OF ACTION: Special Permit and Site Plan Review**  
**LOCATION:** The site is located at 50 Ramland Road, Orangeburg, Town of  
Orangetown, Rockland County, New York, and as shown on the Orangetown Tax  
Map as Section 73.20, Block 1, Lot 30 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 action. The proposed action  
is consistent with the Town of Orangetown's Master Plan and will not have any  
adverse economic or social impacts upon the Town or its businesses or  
residences.  
If Conditioned Negative Declaration, the specific mitigation is provided on an  
attachment.

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

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

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TOWN OF ORANGETOWN

**PB #15-01: Sapienza Site Plan – Critical Environmental Area; Amendment to the Preliminary Site Plan Approval, PB #08-59 and Final Site Plan Approval Subject to Conditions/Reaffirmation of Neg. Dec.**

**Town of Orangetown Planning Board Decision**

**January 14, 2015**

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TO: Damian Holwinski, Dominick Pilla Associates; 23 Depew Avenue;  
Nyack, New York 10960  
FROM: Orangetown Planning Board

RE: The application of Joseph Sapienza, owner, for An Amendment to Prepreliminary Site Plan Review and Final Site Plan Review for a site to be known as “**Sapienza Site Plan**”, in the Critical Environmental Area, 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 253 South Boulevard, Upper Grandview, Town of Orangetown, Rockland County, New York and as shown on the Orangetown Tax Map as Section 65.20, Block 1, Lot 7 in the R-15 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting, **Wednesday, January 14, 2015**, at which time the Board made the following determinations:

Damian Holowinski and Jorel Vaccaro appeared and testified for the applicant. The Board received the following communications: ✓

1. A Project Review Memo dated January 7, 2015.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated January 14, 2015.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering, (DEME) Town of Orangetown, signed by Bruce Peters, P.E., dated January 9, 2015.
4. A letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated January 13, 2015.
5. A letter from the Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated December 29, 2014.
6. A letter from Rockland County Department of Highways, signed by Sonny Lin, P.E., dated January 12, 2015.
7. A letter from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated December 11, 2014.

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**PB #15-01: Sapienza Site Plan – Critical Environmental Area; Amendment to the Preliminary Site Plan Approval, PB #08-59 and Final Site Plan Approval Subject to Conditions/Reaffirmation of Neg. Dec.**

**Town of Orangetown Planning Board Decision**

**January 14, 2015**

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8. A Short Environmental Assessment Form dated December 5, 2014, signed by Joseph R. Sapienza.

9. Stormwater Management Plan, prepared by Dominic R. Pilla, Associates,

10. Amendment to Preliminary/ Final Review Plans prepared by Dominic R. Pilla, Associates, P.C., dated December 5, 2014:

SP-00: Cover Sheet

SP-01: Proposed Site Plan

SP-02: Drainage & Utility Plan

SP-03: Stormwater Details & Erosion Control Notes

SP-04: Erosion Control Details

D-01: Pre-Developed Drainage Plan

11. Copies of prior Board Decisions: PB#13-18, Final Site Plan Approval Subject to Conditions, dated May 8, 2013, PB #08-59, Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec, dated October 28, 2009 and ACABOR #09-39, Approved subject to Conditions, dated December 1, 2009.

The Board reviewed the plans.

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

**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 Dominic R. Pilla, Associates, P.C., dated December 5, 2014, and the Town of Orangetown's engineering consultant, and having heard from the following offices, officials and/or Departments: (Town of Orangetown): Project Review

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TOWN OF ORANGETOWN

**PB #15-01: Sapienza Site Plan – Critical Environmental Area; Amendment to the Preliminary Site Plan Approval, PB #08-59 and Final Site Plan Approval Subject to Conditions/Reaffirmation of Neg. Dec.**

**Town of Orangetown Planning Board Decision  
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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 Planning, Rockland County Department of Highway, Rockland County Department of Health, Rockland County Drainage Agency and Town of Orangetown Zoning Board of Appeals, 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.

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TOWN OF ORANGETOWN

**PB #15-01: Sapienza Site Plan – Critical Environmental Area; Amendment to the Preliminary Site Plan Approval, PB #08-59 and Final Site Plan Approval Subject to Conditions/Reaffirmation of Neg. Dec.**

**Town of Orangetown Planning Board Decision  
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On motion by William Young and seconded by Michael Mandel and carried as follows: Bruce Bond, aye; Michael Mandel, aye; Robert Dell, aye; Thomas Warren, aye; William Young, aye; Stephen Sweeney, 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 PRELIMINARY SITE PLAN APPROVAL AND FINAL SITE PLAN APPROVAL SUBJECT TO THE FOLLOWING CONDITIONS:**

1. The following note shall be placed on the Site Plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a meeting."
2. 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 applicant is amending the house footprint from the Preliminary Site Plan Approval, Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec, dated October 28, 2009 and PB#13-18, Final Site Plan Approval Subject to Conditions, dated May 8, 2013, PB #08-59.
4. The Short Environmental Assessment Form appears to be in order. The Planning Board shall reaffirm the negative Declaration for SEQRA.
5. The revised stormwater management plan is under review, However, because the Perc Rate is assumed, a field Perc Test shall be administered to ensure adequacy of designed drainage system. The Perc Test shall be performed PRIOR to receiving approval of the drainage system. The applicant's engineer shall provide a copy of the field Perc Test to DEMA and the Building Department.

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**PB #15-01: Sapienza Site Plan – Critical Environmental Area; Amendment to the Preliminary Site Plan Approval, PB #08-59 and Final Site Plan Approval Subject to Conditions/Reaffirmation of Neg. Dec.**

**Town of Orangetown Planning Board Decision**

**January 14, 2015**

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6. The soil erosion and sediment control plans and details are under review.
7. 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.
8. The Site and Landscaping Plans do not require review by the Town of Orangetown Architecture and Community Appearance Board of Review.
9. The Drainage Consultant to the Planning Board, Brooker Engineering, reviewed the information and plans submitted and held that application demonstrates that potential significant adverse impacts with respect to drainage can be mitigated and therefore recommends that the Sapienza Site Plan be approved for drainage subject to the following Project Comments.

**Project Description**

This is the third drainage review report to the Planning Board for this project; the last drainage review was dated May 8, 2014. The property is on the west side of South Boulevard, about 400 feet north of Townsend Road. The property slopes downhill to the east. There is a rock face along the west side of the property and several swales and drainage ditches that flow east around the existing dwelling toward South Boulevard. There is an existing swale along the north side of the property, near the proposed addition, that shows signs of erosion due to steep slopes and high velocity of stormwater runoff. The revised submission proposes a 247 square foot addition at the northwest corner of the building, which is a reduction from the previous submissions.

**Project Comments**

1. As per the May 8, 2014 report, additional detail is needed at the northwest corner of the proposed addition and the existing swale. Hydrologic calculations shall be provided that calculate the 100-year discharge of the swale at this location. Calculations shall be provided that show the capacity of the swale and at least one foot of freeboard. Calculations shall be provided that demonstrate that the swale will not erode.
2. As per our May 8, 2014 report the grading plan shall include proposed grading in the rear yard that shows positive drainage away from the building.

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**PB #15-01: Sapienza Site Plan – Critical Environmental Area; Amendment to the Preliminary Site Plan Approval, PB #08-59 and Final Site Plan Approval Subject to Conditions/Reaffirmation of Neg. Dec.**

**Town of Orangetown Planning Board Decision  
January 14, 2015  
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**Continuation of Condition #9...**

3. The retaining wall along the west side of the driveway and stairs and walk from the driveway to the backyard are shown on the existing conditions plan but not the proposed conditions plan. These items shall be shown as either remaining or being removed on the Site Plan (Drawings SP-01 and SP-02).
  4. The drainage calculations show an existing conditions 100-year peak discharge of 0.41 cfs (page 34) and a proposed conditions peak discharge of 0.43 cfs (page 46). Additional storage shall be provided to provide a reduction in 100-year runoff rates. The calculations shall be revised as only 0.4 inches of rainfall runoff from the 247 square foot addition can be stored in the detention system; this shall be increased.
  5. It is not clear what the function of the storage in the 15% slope, 4 inch diameter pipe is in the drainage report. This shall be removed from the calculations.
  6. There is a discrepancy between the available storage in the voids of the riprap pad between the drainage report and Site Plan; the Site Plan shows a smaller trapezoidal shape and the calculations show a larger rectangular shape. This shall be reconciled. The riprap pad shall provide a solid border around the perimeter to ensure the pad fills with water and the full volume of proposed storage can be achieved.
  7. The ground cover around the fill area downhill of the riprap pad shall be noted and demonstrated that this embankment will not erode.
  8. A maintenance schedule for the riprap pad shall be provided on the Site Plan.
  9. A map note shall be added to the Site Plan indicating that the assumed percolation rate of 1" per hour shall be field verified.
10. The Rockland County Department of Planning reviewed the plans and provided the following comments which are incorporated herein as conditions of approval: 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.

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**PB #15-01: Sapienza Site Plan – Critical Environmental Area; Amendment to the Preliminary Site Plan Approval, PB #08-59 and Final Site Plan Approval Subject to Conditions/Reaffirmation of Neg. Dec.**

**Town of Orangetown Planning Board Decision  
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**11.** Rockland County Department of Highways reviewed the plans and offers the following comments:

- Based upon the information provided, the design as shown will have no foreseeable adverse effect upon County Highways in the area.
- A Rockland County Highway Work Permit will be required for the proposed development and must be secured prior to the start of any construction site for the activities.

**12.** The Rockland County Department of Health reviewed the submitted information and found that there are no Rockland County Department of Health approvals needed for this project.

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

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

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

- a. No construction equipment shall be parked under the tree canopy.
- b. There will be no excavation or stockpiling of earth underneath the trees.
- c. Trees designated to be preserved shall be marked conspicuously on all sides at a 5 to 10 foot height.
- d. The Tree Protection Zone for trees designated to be preserved will be established by one of the following methods:
  - One (1) foot radius from trunk per inch DBH
  - Drip line of the Tree Canopy. The method chosen should be based on providing the maximum protection zone possible. A barrier of snow fence or equal is to be placed and maintained one yard beyond the established tree protection zone. If it is agreed that the tree protection zone of a selected tree must be violated; one of the following methods must be employed to mitigate the impact:

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**PB #15-01: Sapienza Site Plan – Critical Environmental Area; Amendment to the Preliminary Site Plan Approval, PB #08-59 and Final Site Plan Approval Subject to Conditions/Reaffirmation of Neg. Dec.**

**Town of Orangetown Planning Board Decision  
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**Continuation of Condition #15....**

- 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.

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

**17.** 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.

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

**19.** All of the conditions of this decision, shall be binding upon the owner of the subject property, its successors and/or assigns, including the requirement to maintain the property in accordance with the conditions of this decision and the requirement, if any, to install improvements pursuant to Town Code §21A-9. Failure to abide by the conditions of this decision as set forth herein shall be considered a violation of Site Plan Approval pursuant to Town Code §21A-4.

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**PB #15-01: Sapienza Site Plan – Critical Environmental Area; Amendment to the Preliminary Site Plan Approval, PB #08-59 and Final Site Plan Approval Subject to Conditions/Reaffirmation of Neg. Dec.**

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

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

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

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

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

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

**Dated: January 14, 2015**

**Town of Orangetown Planning Board**



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**PB #15-02: Orangetown Shopping Center Site Plan: Final Site Plan  
Approval Subject to Conditions**

**Town of Orangetown Planning Board  
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**TO: Paul Tepfer, Norman Dichiara Architects, P.E.,  
102 Waller Avenue, White Plains, New York 10605**  
**FROM: Orangetown Planning Board**

**RE: Orangetown Shopping Center Site Plan: The application of John Cannon, Urstadt & Biddle Properties, Inc., owner, for a Final Site Plan Review, at a site known as “Orangetown Shopping Center Site Plan”, in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21A of the Code of the Town of Orangetown. The site is located on the South side of Orangeburg Road, abutting Oak Street and Dutch Hill Road, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 74.10, Block 1, Lot 67 in the CS zoning district.**

**Heard by the Planning Board of the Town of Orangetown at a meeting held  
Wednesday, January 14, 2015, the Board made the following determinations:**

Douglas Reich, Stephen Honan, Paul Tepfer and Joelvito Villaluz appeared and testified for the applicant.

The Board received the following communications:

1. Project Review Committee Report dated January 7, 2015.
2. An Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated January 14, 2015.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated January 9, 2015.
4. A letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated January 14, 2015.
5. A letter from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated January 6, 2015.
6. A letter from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated December 15, 2014.
7. An email from Mike Bettmann, Chief Fire Inspector, Town of Orangetown, dated January 7, 2015.
8. A Narrative Summary prepared by Stephen M. Honan, Esq., Ferrick Lynch MacCartney, dated December 10, 2014.

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**PB #15-02: Orangetown Shopping Center Site Plan: Final Site Plan  
Approval Subject to Conditions**

**Town of Orangetown Planning Board  
January 14, 2015  
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9. Copies of prior Board Decisions: ACABOR #14-43, Approved Subject to Conditions, dated November 20, 2014; ZBA #14-64, Front Yard, Sign Area, Off Street Parking, Free Standing Sign setback and Section 4.24 (Any sign over 2 square feet within 500 feet of the Palisades Interstate Parkway must have permission from the Palisades Interstate Park Commission) Variances Approved, dated October 15, 2014 and PB #14-26, Preliminary Site Plan approval Subject to Conditions/ Neg. Dec, dated June 25, 2014.

10. Stormwater Management Report, prepared by The Quill Group, dated April 23, 2014, revised June 9, 2014.

11. Site Plans prepared by Atlantic Consulting & Engineering, LLC, dated February 27, 2013, last revised December 10, 2014, unless noted:

- SD-1.0: Overall Site Plan Preparation Plan
- SD-2.0: Overall Layout Plan
- SD-2.1: Layout Plan Enlargement
- SD-2.2: Layout Plan Enlargement
- SD-2.3: Layout Plan Enlargement
- SD-2.4: Orangeburg Road Striping Plan, dated April 25, 2014
- SD-3.0: Grading and Erosion Control Plan
- SD-3.1: Grading and Drainage Plan Enlargement
- SD-3.2: Grading and Drainage Plan Enlargement
- SD-3.3: S.E.S. C. Notes and Details
- SD-4.0: Planting Plan
- SD-4.1: Planting Plan, dated November 6, 2014
- SD-4.2: Lighting Plan, dated November 6, 2014
- SD-4.3: Lighting Schedules & Details, dated November 6, 2014
- SD-5.0: Site Details
- SD-5.1: Site Details
- SD-5.2: Site Details
- SD-5.3: Site Details
- SD-5.4: Concrete Sign Base (Foundation), dated April 25, 2014
- A101.6: Plans & Elevations – Building Three, dated May 3, 2012, revised April 7, 2014

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

**Public Comment:**

Nancy Finnegan, 15G Blue Hill Commons, Orangeburg; raised questions regarding the connection of sidewalks on Oak Tree Road.

Helen Ucker, 7 Oak Street, Orangeburg; raised concerns regarding drainage impact to her property.

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**PB #15-02: Orangetown Shopping Center Site Plan: Final Site Plan  
Approval Subject to Conditions**

**Town of Orangetown Planning Board  
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A motion was made to close the Public Hearing portion of the meeting by Bruce Bond and seconded by Thomas Warren and carried as follows:  
Bruce Bond, aye; Michael Mandel, aye; William Young, aye; Robert Dell, aye; Stephen Sweeney, aye; Thomas Warren, aye and Kevin Garvey, aye.

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

1. The following note shall be placed on the Site Plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a Pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a Meeting."
2. Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations
3. The applicant shall comply with all previous Board Decisions: ACABOR #14-43, Approved Subject to Conditions, dated November 20, 2014; ZBA #14-64, Front Yard, Sign Area, Off Street Parking, Free Standing Sign setback and Section 4.24 (Any sign over 2 square feet within 500 feet of the Palisades Interstate Parkway must have permission from the Palisades Interstate Park Commission) Variances Approved, dated October 15, 2014 and PB #14-26, Preliminary Site Plan approval Subject to Conditions/ Neg. Dec, dated June 25, 2014.
4. A minimum of three extra handicap spaces shall be placed in the far northern end of existing Building 1 (now CVS).
5. At the October 15, 2014, the Town of Orangetown Zoning Board of appeals granted the front yard setback, sign area, off street parking, freestanding sign setback and Section 4.24 variances; ZBA #14-64. At that time, the applicant withdrew the request for a Fast Food restaurant and the associated variances.

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6. The Orangeburg Fire Department has requested yard hydrants to be installed on the property. The applicant shall work with Michael Bettmann, Chief Fire Inspector, Town of Orangetown Fire Prevention Bureau to determine the number and location of hydrants in consultation with the Orangeburg Fire Department. The plans shall be reviewed and approved by the Chief Fire Inspector, Town of Orangetown Fire Prevention Bureau.

7. The revised Stormwater management report that was provided is under review by DEME. However, Section 1.4 – Development Envelope and Exhibit B – Figures 1-3 do not include the new proposed sidewalk that runs along Orangeburg Road down to Oak Street. This area needs to be included as part of the disturbed area AND in the calculations for new impervious area.

8. A full and proper SWPPP needs to be prepared for this site. The stormwater management report provided appears to state that because the overall amount of impervious area being created is less than the existing area, that no water quantity measures need to be taken and that only a minor “treatment” (hydrodynamic separator) needs to be installed for water quality. This is incorrect. Chapter 9 of the NYSDEC Stormwater Management Design Manual (NYSDECSDM) clearly states that even if a site is either partially or completely a redevelopment project, *“Redevelopment projects are generally expected to comply with technical standards contained elsewhere in this Manual” (Chapter 9-Section 9.2 – Purpose, page 9-3) and “Requirements for installation of post-construction controls set forth in current stormwater regulations do apply to redevelopment projects Redevelopment sites must first attempt to comply with all the post-construction management requirements outlined elsewhere in this Manual.” (Chapter 9-Section 9.3-Scope and Applicability, page 9-4.)* Therefore, this site must provide both water quantity and quality control measures for the new proposed impervious areas created as a result of construction. The “benefit” or “credit” that may be taken deals with the possibility that some sites may use alternative methods and for sizing water quantity and quality practices providing the site meets very specific criteria set forth in Chapter 9 – Section 9.3.1 – Application Criteria. In order to use an alternative practice, the SWPPP must clearly identify/ document design difficulties and provide documented justification for the use of alternative approaches/ methods.

9. The stormwater management report stated that a VortSentry HS48 (hydrodynamic separator) is being used for stormwater quality, as an alternative measure. The NYSDEC website contains a list of approved manufactured stormwater management practices (MSMP) but, as stated in the NYSDECSDM – Chapter 9 – Section 9.5.1 – Evaluation of Alternative Practices, page 9-10, “Where verification data does exist, they (manufactured stormwater management practices) generally indicate that these practices do NOT meet both the 80% total

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suspended solids (TSS) and 40% total phosphorous (TP) removal efficiency target that is specified in Chapter 3 of this Manual.” Therefore, the applicant’s engineer shall demonstrate that this specific MSMP is already approved by the NYSDEC or, if this specific manufactured practice is NOT listed on the NYSDEC’s website as an approved MSMP, the applicant’s engineer shall provide manufacturers test data, independent (ETV, TAPE or TARP) verification or certification, and be responsible to address quantity controls, pretreatment, bypass, overflow, head configuration, inflow/outflow rates, maintenance, separation distance, accessibility, and safety issues for the specific practice. All of this information shall be provided in the SWPPP.

**10.** The erosion control plans and details shall be modified to reflect a “stone-filter” system around the proposed catch basin. A detail for same shall be provided.

**11.** The proposed sanitary building connection shall be shown on the Site Plan.

**12. Drainage Review Recommendation**

The Drainage Consultant to the Planning Board, Brooker Engineering, reviewed the information and plans submitted and held that the application reduces stormwater runoff from the site and therefore recommends that the Orangeburg Shopping Center Site Plan be approved for drainage subject to the following project comments.

**Project Description**

This is the third drainage review report to the Planning Board for this project; the last review was dated June 25, 2014. The site is located at the southeast corner of the intersection of Orangeburg Road and Dutch Hill Road. A new building is proposed at the northern parking area of the site, which is all impervious. A new entrance to Orangeburg Road is proposed east of the new building along with a deceleration lane along the south side of Orangeburg Road. The existing asphalt road to Oak Street is proposed to be removed. The parking in front (west) of the eastern existing building is proposed to be reconfigured; it is not clear if any change in grading is proposed. The disturbance is greater than one acre and a net reduction of 1,157 square feet of impervious area is proposed. The asphalt drive that is directly connected to Oak Street is being removed rather than installing topsoil over the existing pavement. A drainage report has been provided that provides a narrative description of a reduction of pavement.

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**Project Comments**

1. As per the June 25, 2014 and May 27, 2014 reports, the Site Plans shall clearly show all drainage structures on the site, with pipe invert in and out elevations. The flow pattern shall be verified; it is not clear if stormwater runoff for the north portion of the site flows northeast around Existing Building 1 and stormwater runoff on the west side of Existing Building 1 flows southwest around Existing Building 1. While the overall redevelopment results in a reduction of impervious area and stormwater runoff, it shall be verified that stormwater runoff is not being diverted within the site and thereby increasing runoff at a particular design point of interest.
2. As per the June 25, 2014 and May 27, 2014 reports, the proposed grading in the parking lot south of the Proposed Pad has been adjusted to eliminate the swale in the middle of the parking lot. However, the Planning Board's Drainage Consultant recommends the applicant investigate the proposed location of snow stockpiling. The Consultant is concerned of a "black ice" situation occurring over this long run across the parking lot with limited drainage structures. Additionally, the grading in the southeast corner of the parking lot shows spot grades of 180.1 and 180.2 with a 180 contour in between the two spot grades. This grading shall be revised.
3. As per the June 25, 2014 and May 27, 2014 reports, calculations shall be provided that demonstrate the on-site drainage system has capacity to receive diverted runoff from Orangeburg Road to the site.
4. As per the June 25, 2014 and May 27, 2014 reports, the proposed gutterline on Orangeburg Road has been shifted from between traffic lanes to the curblin for the majority of the new lane. However, the 180 contour shows runoff being directed back to the middle of the road, and away from the proposed drainage structure that was added to intercept runoff before it crosses the new intersection. It is recommended that the grading in this area be modified to keep the gutterline closer to the new intersection and shift the catch basin east to intercept more of the runoff prior to crossing the intersection. The outlet pipe for the new catch basin on Orangeburg Road (with a rim of 178.6) shall be added to the plan.
5. As per the June 25, 2014 and May 27, 2014 reports, the proposed contours along the deceleration lane on Orangeburg Road shall tie into existing grade.

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6. Many of the catch basin structures have the notation "Verify in Field" in lieu of invert elevations. Invert elevations shall be provided on the design drawings to ensure the proposed modifications will be able to be constructed in the field.
7. The proposed catch basin with the Top of Frame elevation of 178.6 on Orangeburg Road shall show the discharge pipe.
8. The drainage report shall provide delineations of the design drainage subbasins with existing and proposed topography so the subbasins can be verified.
9. Proposed grades and drainage shall be provided in the parking area to be modified. Some of the new curb islands may create low points that will result in ponding in the parking lot.
10. The drainage report shall graphically show the existing and proposed impervious areas to support the statement of reduction of impervious areas.
11. Proposed grading along the west side of the new building shows runoff directed to the new building; this shall be modified. Proposed grading is above the proposed first floor; a foundation drain shall be added.

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

1. An updated review must be completed by the County of Rockland Department of Highways and all required permits obtained.
2. The conditions in the December 15, 2014 letter from the Rockland County Department of Health must be met.
3. The application form indicates that it is the property is 10.98 acres. While the Overall Layout Plan indicates that the lot is 10.59 acres. The lot area must be consistent on all documents.
4. Drawing SD-4.0 and SD-4.1 contain a new General Map Note #7 that indicates that lawn areas and perennial/annual planting beds will be used for snow pile storage during winter months. The note further indicates that care will be taken not to use the shrub/tree planting beds. The storage of snow on plant/shrub beds may not only result in the breakage of shrubs due to the weight and plowing of the snow, but also of salt intolerances that plants cannot survive. The lawns and perennial/annual plant beds that the applicant proposes to use for snow storage are only located in the northern portion of the site, and are relatively small in size in comparison to the amount of parking that would need to be plowed. To ensure that these plant beds are not damaged from the snow storage, plant species that are salt-tolerant must be planted in the areas where the snow storage is planted. In addition, due to the limitation in the lawn and perennial/annual plant bed areas on site, the applicant must still designate snow storage area.

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**14.** The Rockland County Department of Health reviewed and offered the following comments:

- The proposed water and sanitary service to the pad site shall be shown on the plan. Depending on the configuration, Rockland county Health Department approval may be needed.
- 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.

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

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

**17.** All of the conditions of this decision, shall be binding upon the owner of the subject property, its successors and /or assigns, including the requirement to maintain the property in accordance with the conditions of this decision and the requirement, if any, to install improvements pursuant to Town Code §21A-9. Failure to abide by the conditions of this decision as set forth herein shall be considered a violation of Site Plan Approval pursuant to Town Code §21A-4.

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

- a. No construction equipment shall be parked under the tree canopy.
- b. There will be no excavation or stockpiling of earth underneath the trees.
- c. Trees designated to be preserved shall be marked conspicuously on all sides at a 5 to 10 foot height.
- d. The Tree Protection Zone for trees designated to be preserved will be established by one of the following methods:
  - One (1) foot radius from trunk per inch DBH
  - Drip line of the Tree Canopy. The method chosen should be based on providing the maximum protection zone possible. A barrier of snow fence or equal is to be placed and maintained one yard beyond the established tree protection zone. If it is agreed that the tree protection zone of a selected tree must be violated, one of the following methods must be employed to mitigate the impact:

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- 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  $\frac{3}{4}$  inch of plywood or boards, or equal over the area to be protected.

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

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

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

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

**22.** If the applicant, during the course of construction, encounters such conditions as flood areas, underground water, soft or silty areas, improper drainage, or any other unusual circumstances or conditions that were not foreseen in the original planning, such conditions shall be reported immediately to DEME. The applicant shall submit their recommendations as to the special treatment to be given such

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

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

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

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

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

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

**Dated: January 14, 2015  
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