

Meeting of July 10, 2013
Town of Orangetown Planning Board

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

MEMBERS ABSENT: John Foody

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:

Postponed Item from the June 26, 2013 Meeting:

Schuyler Associates LLC Subdivision Plan PB #13 - 30
Amendment to the Performance Bond
65.15/17; R-40 zoning district
Recommended to
Town Board - Amendment
Subject to Conditions

Continued Item from the June 12, 2013 Meeting:

Kopunek Subdivision Plan PB #13 - 24
Prepreliminary/ Preliminary/
Final Subdivision Plan
and SEQRA Review
77.06/2/69; R-15 zoning district
Preliminary Approval
Subject to Conditions,
Neg. Dec.

Continued Item from April 10, 2013 Meeting:

Deans Subdivision Plan PB #13 - 14
Prepreliminary/ Preliminary
Subdivision and SEQRA Review
77.07/2/26; R-15 zoning district
Preliminary Approval
Subject to Conditions,
Neg. Dec.

Continued Item from the April 10, 2013 Meeting:

LSI Services, Inc., Site Plan PB #13 - 12
Prepreliminary/ Preliminary Site Plan
& SEQRA Review
76.08/1/1; LIO zoning district
Preliminary Site Plan
Approval Subject to
Conditions, Neg. Dec.

One Ramland Road Resubdivision Plan PB #13 - 31

Prepreliminary/ Preliminary/ Final
Resubdivision Plan & SEQRA Review
73.20/1/23 & 24; LIO zoning district
Final Resubdivision
Plan Approval Subject to
Conditions, Neg. Dec.

Other Business: The Board reviewed an emergency repair to replace the existing retaining wall and deck column footing at 43 Tweed Boulevard (Section 71.13, Block 1, Lot 46). The Board determined that the applicant did not require review by the Planning Board. The Building Department would control the planning and permitting process of the replacement of the retaining wall and deck column footings.

The decisions of the June 26, 2013 Planning Board Meeting was reviewed, edited and approved. The motion for adoption was made and moved by Michael Mandel and seconded by William Young and carried as follows: Kevin Garvey, aye; Bruce Bond, aye, Jeffrey Golda, aye; Robert Dell, abstain; John Foody, absent; Michael Mandel, aye, and William Young, aye.

TOWN CLERKS OFFICE

2013 JUL 26 PM 12:19

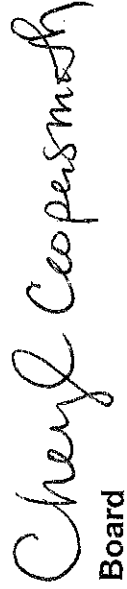
TOWN OF ORANGETOWN

**July 10, 2013 Planning Board Meeting
Town of Orangetown**

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

Since there was no further business to come before the Board, a motion to adjourn the meeting was made by Bruce Bond and seconded by Michael Mandel and agreed to by all in attendance. The meeting was adjourned at 9:15 p.m. The next Planning Board meeting is scheduled for July 24, 2013.

Dated: July 10, 2013



Town of Orangetown Planning Board

TOWN CLERKS OFFICE

2013 JUL 26 PM 12 19

TOWN OF ORANGETOWN

**PB#13-30: Schuyler Associates LLC, Amendment to Performance Bond:
Recommended to Town Board - Amendment to Performance Bond Subject
to Conditions**

**Town of Orangetown Planning Board
July 10, 2013
Page 1 of 3**

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

RE: Schuyler Associates LLC Amendment to Performance Bond: The application of Dan Foley, applicant, for Schuyler Associates, LLC., owner, (Donald Brenner, attorney for the owner), for an Amendment to the Performance Bond, at a site to be known as “**Schuyler Associates LLC – Amendment to Performance Bond**”, 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 45 Schuyler Road, Nyack, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 65.15, Block 1, Lot 7 in the R-40 zoning district.

Heard by the Planning Board of the Town of Orangetown at meeting a held **Wednesday, July 10, 2013**, the Board made the following determinations:

Dan Foley, Jay Greenwell and Donald Brenner appeared and testified. The Board received the following communications:

1. Project Review Committee Reports dated July 3 & June 18, 2013.
2. Interdepartmental memorandums from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated July 10 & June 26, 2013.
3. Copies of PB #12-49, Recommendation to the Town Board to Establish the Performance Bond, dated November 14, 2012 and PB #12015, Final Subdivision Plan Approval Subject to Conditions, Neg. Dec., dated April 25, 2012.
4. Subdivision Plans prepared by Jay Greenwell, PLS and Paul Gdanski, P.E.:
Sheet 1: Subdivision, dated May 14, 2011, last revised October 5, 2012
Sheet 2: Grading, Drainage and Utility Plan with Erosion Control, dated May 14, 2011, last revised on October 5, 2012
Sheet 2A: Land Disturbance Exhibit, dated October 5, 2012
Sheet 3: Detail Sheet, dated May 14, 2011, last revised October 5, 2012
Sheet 4: Details, dated May 14, 2011, last revised October 5, 2012
Sheet 5: Schuyler Road & Driveway, Drainage Plan & Profiles, dated March 2, 2012
Sheet 6: SWPPP, dated October 5, 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 Michael Mandel and carried as follows: Bruce Bond, aye, Kevin Garvey, aye, Michael Mandel, aye, William Young, aye, John Foody, absent, Robert Dell, aye and Jeffrey Golda, aye.

TOWN CLERKS OFFICE

2013 JUL 26 PM 12 19

TOWN OF ORANGETOWN

**PB#13-30: Schuyler Associates LLC, Amendment to Performance Bond:
Recommended to Town Board - Amendment to Performance Bond Subject
to Conditions**

**Town of Orangetown Planning Board
July 10, 2013
Page 2 of 3**

RECOMMENDATION: In view of the foregoing and the testimony before the Board, the Planning Board RECOMMENDS to the Town Board an Amendment to the Schuyler Associates LLC Subdivision Performance Bond Subject to the following conditions:

1. The owner of Schuyler Associates, LLC Subdivision is in the process of completing the public improvements associated with the subdivision and is seeking a reduction in the Performance Bond amount of \$126,780.00, approved by the Planning Board on November 14, 2012, under PB #12-49. The Bond amount has been recalculated by DEME.
2. Instead of filing a Bond for any remaining amount calculated by DEME, the applicant shall establish escrow accounts for the remaining amounts as it relates to each individual subdivision lot. The individual escrow amounts will be collected at the time a Building Permit is applied for each individual lot and not released until the associated work is completed and/ or a Certificate of Occupancy is issued for that individual lot.
3. The individual escrow amounts for each individual subdivision lot will be determined by DEME and the Building Department. The subdivision plan shall be revised to include a note stating that prior to the issuance of a building permit on any lots in the subdivision; the owner of the lot must post the escrow with the Town.
4. The applicant shall provide to the Town of Orangetown As-Built drawings for each lot at the time of individual lot review.
5. The applicant shall provide to the Town of Orangetown As-Built drawings for the public improvements completed, prior to signing of the subdivision plan.

6. The bonding requirements are as follows:

ITEM	COST
Driveway Openings	\$ 9,000.00
Monumentation	2,100.00
Iron pins	1,800.00
As-Built Drawings	1,800.00
Soil Erosion & Sediment Control	\$ 41,500.00
Sub-Total	\$ 56,200.00
Administrative Close-out (20% of Sub-Total)	\$ 11,240.00

Total Bond \$ 67,440.00
Inspection Fee:
(3% of Sub-Total of
Original Bond Amount) \$ 3,169.50

TOWN CLERKS OFFICE

2013 JUL 26 PM 12 19

TOWN OF ORANGETOWN

PB#13-30: Schuyler Associates LLC, Amendment to Performance Bond:
Recommended to Town Board - Amendment to Performance Bond Subject
to Conditions

Town of Orangetown Planning Board

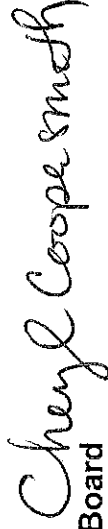
July 10, 2013

Page 3 of 3

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, absent; Michael Mandel, aye; Robert Dell, aye and Jeffrey Golda, aye.

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

Dated: July 10, 2013



Town of Orangetown Planning Board

TOWN CLERKS OFFICE

2013 JUL 26 PM 12 19

TOWN OF ORANGETOWN

PB#13-24: Kopunek Subdivision Plan: Preliminary Subdivision Plan Approval Subject to Conditions/ Neg. Dec.

**Town of Orangetown Planning Board
July 10, 2013
Page 1 of 7**

**TO: Kathy Kopunek, 20 Steuben Avenue, Tappan,
New York 10983**
FROM: Orangetown Planning Board

RE: Kopunek Subdivision Plant: The application of Catharine Kopunek, owner, (Donald Brenner, attorney for the applicant) for a Preliminary/ Preliminary Subdivision Plan Review, at a site to be known as "**Kopunek 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 20 Steuben Avenue, Tappan, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 77.06, Block 2, Lot 69 in the R-15 zoning district.

Heard by the Planning Board of the Town of Orangetown at meetings held **Wednesday, June 12 and July 10, 2013**, the Board made the following determinations:

June 12, 2013

Kathy Kopunek and Donald Brenner appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated June 5, 2013.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated June 12, 2013.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated June 6, 2013.
4. A letter from the Rockland County Department of Highways, signed by Sonny Lin, P.E., dated May 22, 2013.
5. A letter from Rockland County Sewer District No. 1, signed by Joseph LaFandra, Engineer II, dated June 4, 2013.
6. Letters from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated May 13, 2013.
7. A letter from the Town of Orangetown Zoning Board of Appeals, signed by Daniel Sullivan, Chairman, dated May 15, 2013.
8. A Short Environmental Assessment Form signed by Catharine Kopunek, dated May 7, 2013.
9. A Subdivision Plan prepared by Robert E. Sorace, PLS, dated May 3, 2013.
10. Copy of PB #13-16, Consultation, dated April 24, 2013.

TOWN CLERKS OFFICE

2013 JUL 26 PM 12 19

TOWN OF ORANGETOWN

**PB #13-24: Kopunek Subdivision Plan: Preliminary Subdivision Plan
Approval Subject to Conditions/ Neg. Dec.**

Town of Orangetown Planning Board

July 10, 2013

Page 2 of 7

The Board reviewed the plan.

The hearing was then opened to the Public.

Public Comments:

Ken Schmid, 20 Sterling Avenue, Tappan: was opposed to the development of Lot #2.

Margaret Charles, Sterling Avenue, Tappan: raised concerns regarding the subdivision of the property.

Steven Chillrud, 33 Sterling Avenue, Tappan: raised concerns regarding overdevelopment of the land and the stormwater runoff onto area properties. He noted that if developed, the site would require retaining walls.

Mike Davies, 26 Steuben Avenue, Tappan: stated that the site was steep and any additional runoff would greatly impact the area properties.

The applicant requested a **CONTINUATION**.

July 10, 2013

Kathy Kopunek and Donald Brenner appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated July 3, 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 July 10, 2013.

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

TOWN CLERKS OFFICE

2013 JUL 26 PM 12 19

TOWN OF ORANGETOWN

**PB #13-24: Kopunek Subdivision Plan: Preliminary Subdivision Plan
Approval Subject to Conditions/ Neg. Dec.**

Town of Orangetown Planning Board

July 10, 2013

Page 3 of 7

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

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

After having identified the relevant areas of environmental concern, namely drainage, surface water runoff, land clearing, vegetation, fauna, traffic and noise levels, and after having taken a hard look at said environmental issues, and after having deliberated regarding such concerns, and having heard from the applicant, the applicant's professional representatives, namely Robert Sorace, PLS, and having heard from the following offices, officials and/or Departments: (Town of Orangetown): Project Review Committee, Office of Building, Zoning, Planning Administration and Enforcement and Department of Environmental Management and Engineering, and having heard from the following involved and interested agencies: Town of Orangetown Zoning Board of Appeals, Rockland County Department of Health, Rockland County Department of Highways, Rockland County Sewer District #1, and having reviewed the Subdivision Plan by prepared by Robert Sorace, PLS, a summary of the reasons supporting this determination are, and the Planning Board finds that the proposed action:

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

~~TOWN OF ORANGETOWN~~
LAND USE DEPT OFFICE

2013 JUL 26 PM 12 19

TOWN OF ORANGETOWN

**PB #13-24: Kopunek Subdivision Plan: Preliminary Subdivision Plan
Approval Subject to Conditions/ Neg. Dec.**

Town of Orangetown Planning Board

July 10, 2013

Page 4 of 7

On motion by Bruce Bond and seconded by Michael Mandel and carried as follows: Kevin Garvey, aye; Bruce Bond, aye; Robert Dell, aye; John Foody, absent; William Young, aye; Michael Mandel, 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 applicant was granted a PRELIMINARY APPROVAL SUBJECT TO THE FOLLOWING CONDITIONS:

1. The following note shall be placed on the Subdivision Plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a meeting".
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 applicant shall include a Development Plan for subdivision Lot #2. If unsure of the development plans at this time, the applicant shall re-appear at the Planning Board upon submission of a Development to the Building Department.
4. The following variances need to be sought from the Town of Orangetown Zoning Board of Appeals:

<u>Zoning Variance</u>	<u>Lot #1</u>	<u>Lot #2</u>
a) Minimum Lot Area Required is 15,000 sf.	7,486 sf. Proposed	7,486 sf. Proposed
b) Minimum Lot Width Required is 100 ft.	75 ft. Proposed	75 ft. Proposed
c) Minimum Front Yard Required is 30 ft.	25.1 ft. Existing	
d) Minimum Side Yard Required is 20 ft.	10.9 ft. Existing	15 ft. Proposed

TOWN CLERKS OFFICE
2013 JUL 26 PM 12 19
TOWN OF ORANGETOWN

**PB #13-24: Kopunek Subdivision Plan: Preliminary Subdivision Plan
Approval Subject to Conditions/ Neg. Dec.**

Town of Orangetown Planning Board

July 10, 2013

Page 5 of 7

Continuation of Condition #4...

<u>Zoning Variance</u>	<u>Lot #1</u>	<u>Lot #2</u>
e) Total Side Yard Required is 50 ft.	22.5 ft. Existing	30 ft. Proposed

f) Minimum Rear Yard
Required is 35 ft. 33.6 ft. Existing

5. The Bulk Table shall include Maximum Building Height for each lot.
6. The existing shed shall be removed prior to the Clerk of the Planning Board signing the Subdivision Plat.
7. The Short Environmental Assessment Form appears to be in order.
8. The proposed sanitary sewer house connection with connection detail shall be shown on the plan, including all inverts for Lot #2.
9. The proposed driveway for Lot #2 shall be shown on the plans.
10. Soil erosion and sediment control plans and details shall be shown on the plan.
11. The Rockland County Department of Highways reviewed the plans and found that the subdivision as shown will have no foreseeable adverse impact upon County Highway in the area.
12. 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 on proposed Lot #2.
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.
14. The following agencies do not object to the Town of Orangetown Planning Board assuming responsibilities of lead agency for SEQRA purposes:
 - Rockland County Department of Highways
 - Rockland County Sewer District #1
 - Rockland County Health Department
 - Town of Orangetown Zoning Board of Appeals

TOWN CLERKS OFFICE

2013 JUL 26 PM 12 19

TOWN OF ORANGETOWN

**PB #13-24: Kopunek Subdivision Plan: Preliminary Subdivision Plan
Approval Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board
July 10, 2013
Page 6 of 7**

15. The applicant shall comply with all pertinent items in the Guide to the Preparation of Subdivision Plans prior to signing the final plans.
16. All reviews and approvals from various governmental agencies must be obtained prior to stamping of the Subdivision Plan.
17. All of the conditions of this decision, shall be binding upon the owner of the subject property, its successors and /or assigns, including the requirement to maintain the property in accordance with the conditions of this decision and the requirement, if any, to install improvements pursuant to Town Code §21. Failure to abide by the conditions of this decision as set forth herein shall be considered a violation of Subdivision Plan Approval pursuant to Town Code §21 and §6A.
18. Where a reservation of land for recreation purposes has been deemed by the Planning Board to be inadequate, Money in Lieu of Land for recreation purposes must be collected in accordance with Section 21-20 of the Land Development Regulations (\$9,000.00 for every vacant new residential lot). In addition, for every new vacant residential lot, \$80.00 will be collected for the Stream Maintenance Fund.
19. **TREE PROTECTION:** The following note shall be placed on the Subdivision Plan:
The Tree Protection and Preservation Guidelines adopted pursuant to Section 21-24 of the Land Development Regulations of the Town of Orangetown will be implemented in order to protect and preserve both individual specimen trees and buffer area with many trees. Steps that will be taken to reserve and protect existing trees to remain are as follows:
- No construction equipment shall be parked under the tree canopy.
 - There will be no excavation or stockpiling of earth underneath the trees.
 - Trees designated to be preserved shall be marked conspicuously on all sides at a 5 to 10 foot height.
 - 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.

TOWN CLERKS OFFICE

2013 JUL 26 PM 12 19

TOWN OF ORANGETOWN

**PB #13-24: Kopunek Subdivision Plan: Preliminary Subdivision Plan
Approval Subject to Conditions/ Neg. Dec.**

Town of Orangetown Planning Board

July 10, 2013

Page 7 of 7

20. 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.
21. Prior to the commencement of any site work, including the removal of trees, the applicant shall install the soil erosion and sedimentation control as required by the Planning Board. Prior to the authorization to proceed with any phase of the site work, the Town of Orangetown Department of Environmental Management and Engineering (DEME) shall inspect the installation of all required soil erosion and sedimentation control measures. The applicant shall contact DEME at least 48 hours in advance for an inspection.
22. The contractor's trailer, if any is proposed, shall be located as approved by the Planning Board.
23. If the applicant, during the course of construction, encounters such conditions as flood areas, underground water, soft or silty areas, improper drainage, or any other unusual circumstances or conditions that were not foreseen in the original planning, such conditions shall be reported immediately to DEME. The applicant shall submit their recommendations as to the special treatment to be given such areas to secure adequate, permanent and satisfactory construction. DEME shall investigate the condition(s), and shall either approve the applicant's recommendations to correct the condition(s), or order a modification thereof. In the event of the applicant's disagreement with the decision of DEME, or in the event of a significant change resulting to the subdivision plan or site plan or any change that involves a wetland regulated area, the matter shall be decided by the agency with jurisdiction in that area (i.e. Wetlands - U.S. Army Corps of Engineers).
24. Permanent vegetation cover of disturbed areas shall be established on the site within thirty (30) days of the completion of construction.
25. Prior (at least 14 days) to the placing of any road sub-base, the applicant shall provide the Town of Orangetown Superintendent of Highways and DEME with a plan and profile of the graded road to be paved in order that these departments may review the drawings conformance to the approved construction plans and the Town Street Specifications
26. The Planning Board shall retain jurisdiction over lighting, landscaping, signs and refuse control.
- 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, absent; Michael Mandel, aye; Robert Dell, aye and Jeffrey Goida, 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: July 10, 2013 
Town of Orangetown Planning Board

attachment

TOWN CLERKS OFFICE

2013 JUL 26 PM 12:19

TOWN OF ORANGETOWN

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

**PB #13-24: Kopunek Subdivision Plan: Preliminary Subdivision Plan
Approval Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board
July 10, 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: Kopunek Subdivision Plan

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

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

LOCATION: The site is located at 20 Steuben Avenue, Tappan, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 77.06, Block 2, Lot 69 in the R-15 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

TOWN CLERKS OFFICE

2013 JUL 26 PM 12 19

TOWN OF ORANGETOWN

PB #13-14: Deans Subdivision; Preliminary Subdivision Plan subject to Conditions/ Neg. Dec.

Town of Orangetown Planning Board Decision

July 10, 2013

Page 1 of 13

TO: Donald Brenner, P.E., L.L.B., 4 Independence Avenue, Tappan, New York 10983

FROM: Orangetown Planning Board

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

Heard by the Planning Board of the Town of Orangetown at meetings held **Wednesday, April 10 and July 10, 2013**, the Board made the following determinations:

April 10, 2013

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

The Board received the following communications:

1. Project Review Committee Report dated April 3, 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 April 10, 2013.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated April 5, 2013.
4. A letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated April 5, 2013.
5. A letter from Rockland County Department of Planning, signed by Thomas Vanderbeek, P.E., Commissioner of Planning, dated March 28, 2013.
6. A letter from the Rockland County Department of Highways, signed by Sonny Lin, P.E., dated March 26, 2013.
7. A letter from Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer II, dated March 21, 2013.
8. Letters from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated March 11, 2013.
9. A letter from the Rockland County Drainage Agency, signed by Vincent Altieri, Executive Director, dated March 14, 2013.

TOWN CLERKS OFFICE

2013 JUL 26 PM 12 19

TOWN OF ORANGETOWN

PB #13-14: Deans Subdivision; Preliminary Subdivision Plan subject to Conditions/ Neg. Dec.

**Town of Orangetown Planning Board Decision
July 10, 2013
Page 2 of 13**

10. A letter from the Board of Fire Commissioners, Tappan Fire District, signed by Gerald McEvory, Secretary-Treasurer, dated April 4, 2013.
11. A letter from the Town of Orangetown Zoning Board of Appeals, signed by Daniel W. Sullivan, Chairman, dated March 6, 2013.
12. Subdivision Plans prepared by Jay Greenwell, PLS:
 - Sheet 1 of 2: Subdivision of Property, dated August 13, 2012
 - Sheet 2 of 2: Grading, Drainage & Utility Plan, dated February 21, 2013
13. A Short Environmental Assessment Form signed by Jennifer Deans and Allison Deans, dated February 18, 2013.
14. Hydraulic Analysis and Stormwater Design Calculations prepared for Deans, dated February 25, 2013, signed and sealed by Paul Gdanksi, P.E.
15. Submitted at meeting by applicant, a drawing in response to Brooker Engineering letter of April 5, 2013, condition #9, prepared by Jay Greenwell, PLS, undated.

The Board reviewed the plan.

The hearing was then opened to the Public.

Public Comments:

Mary Cardenus, 66 Pine View Lane, Tappan: raised concerns that the new houses are too large for the neighborhood. Mrs. Cardenus expressed concerns that the site would be overdeveloped and water problems may occur in the neighborhood. She held that lot #1 was a substandard design and should be reviewed by the Board.

Mat Guilliano, 283 Kings Highway, Tappan: raised concerns regarding the potential drainage problems to the area due to the proposed development.

Christine Zinna, 3 Autumn Drive, Tappan: requested information regarding the proposed square footage of the new houses.

Patricia Cadenus, 56 Pine Tree Lane, Tappan: raised concerns regarding the encroachment of the driveway on lot #1 to her property.

Robert Krokus, 35 Autumn Drive, Tappan: requested information regarding the potential for a Bond to be in place, in the event the development creates flooding to the neighborhood. He requested information regarding he projected elevations of the site.

Mary Danner, speaking for her Father, Thomas Walsh, 39 Pine Tree Lane, Tappan: raised concerns regarding drainage, screening and requested that the new development be planned with the design of the existing neighborhood.

TOWN CLERKS OFFICE

2013 JUL 26 PM 12 19

TOWN OF ORANGETOWN

Mary Leggett, 14 Pine Tree Lane, Tappan: expressed concerns regarding the design of the proposed driveways.

The applicant requested a **CONTINUATION**.

July 10, 2013

Donald Brenner, Allison Deans and Jay Greenwell appeared and testified. The Board received the following communications:

1. Project Review Committee Reports dated June 18 & July 3, 2013.
2. Interdepartmental memorandums from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated June 26 & July 10, 2013.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated June 21, 2013.
4. An Interdepartmental memorandum from the Highway Department, Town of Orangetown, signed by Jim Dean, Superintendent of Highways, dated June 24, 2013.
5. A copy of an email from Patricia Cardenas, dated Jun 24, 2013.
6. Subdivision Plans prepared by Jay Greenwell, PLS, last revision date of June 5, 2013:

- Sheet 1 of 3: Subdivision of Property, dated August 13, 2012
 - Sheet 2 of 3: Grading, Drainage & Utility Plan with Erosion Control, dated February 21, 2013
 - Sheet 3 of 3: Details, dated February 7, 2013
7. Photographs of the existing retaining wall along the boundary of the property, submitted by the applicant.

The Board reviewed the plan.

The hearing was then opened to the Public.

Public Comments:

Mat Guiliano, 283 Kings Highway, Tappan: agreed that drywells are needed on the Northern lot. He raised concerns regarding the existing and potential drainage problems in the area.

Mary Cardenus, 66 Pine View Lane, Tappan: requested information regarding the style of housing to be constructed. She noted that the neighborhood was developed 57 years ago and by changing the grading and removal of the wall, the appearance of the area will change.

Christine Zinna, 3 Autumn Drive, Tappan: held that with the current situation in the neighborhood, there is a significant amount of water pooling. Ms Zinna requested the Board to assure that the pooling would not increase due to the development of the property.

TOWN CLERKS OFFICE

2013 JUL 26 PM 12 20

TOWN OF ORANGETOWN

Town of Orangetown Planning Board Decision

July 10, 2013

Page 4 of 13

A motion was made to close the Public Hearing portion of the meeting by Bruce Bond and seconded by Michael Mandel and carried as follows: Bruce Bond, aye; Michael Mandel, aye; William Young, aye; Robert Dell, aye; John Foody, absent; Jeffrey Golda, aye and Kevin Garvey, 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 William Young and carried as follows: Bruce Bond, aye; Michael Mandel, aye; William Young, aye; Robert Dell, aye; John Foody, absent; Jeffrey Golda, aye and Kevin Garvey, 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 Jay Greenwell, PLS and having heard from the following offices, officials and/or Departments: (Town of Orangetown): Project Review Committee, Office of Building, Zoning, Planning Administration and Enforcement and Department of Environmental Management and Engineering; and having heard from the following involved and interested agencies: Town of Orangetown Zoning Board of Appeals, Rockland County Department of Health, Rockland County Board of Appeals, Rockland County Drainage Agency, Rockland County Sewer District No.1, Rockland County Department of Highways and having reviewed a proposed Subdivision plan by prepared by Jay Greenwell, PLS a summary of the reasons supporting this determination are, and the Planning Board finds, that the proposed action:

- Will not significantly affect existing air quality or noise levels;
- Will not significantly affect existing surface water quality or quantity or drainage;
- Will not significantly affect existing ground water quality or quantity;
- Will not significantly affect existing traffic levels;
- Will not create a substantial increase in solid waste production;

TOWN CLERKS OFFICE

2013 JUL 26 PM 12 20

TOWN OF ORANGETOWN

Town of Orangetown Planning Board Decision

July 10, 2013

Page 5 of 13

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

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

1. The following note shall be placed on the subdivision plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a Pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a Meeting."
2. 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 revised subdivision plan has eliminated the proposed driveway onto Kings Highway from Lot #1 and relocated the driveway access onto Pine Tree Lane. In addition, the existing retaining wall along the property frontage on Pine Tree Lane has been eliminated.

TOWN CLERKS OFFICE

2013 JUL 26 PM 12 20

TOWN OF ORANGETOWN

4. The discharge of the roof drains shall be shown for each lot.
5. The existing structures on the property shall be removed prior to the signing of the subdivision map and a note to that affect shall be on the Plan. A demolition permit is required to remove the structure.
6. The Subdivision Plan shall be reviewed by the Town of Orangetown Architecture and Community Appearance Board of Review.
7. The Short Environmental Assessment Form appears to be in order. Item #8 shall be corrected to read "Zoning Board of Appeals variance required".
8. The following Variances need to be sought from the Town of Orangetown Zoning Board of Appeals:
 - Minimum Lot Width of 100 feet is required and 95 feet is provided for Lots #3 and #4.
 - Minimum Street Frontage of 75 feet is required for Lot #1 and 54.83 feet is provided.
9. DEME notes that the removal of the existing retaining wall in the right of way of Pine Tree Lane is beneficial for the Town with respect to future maintenance and liability. Additionally, the Town of Orangetown Highway Department supports the removal of the existing retaining wall within the Town road right of way of Pine Tree Lane. Removal will benefit the Town in the future maintenance repair and eventual replacement of the 50 year old plus wall will no longer be necessary.
10. The soil erosion and sediment control plans and details are under review by DEME.
11. The sight distance at all of the proposed driveways along Pine Tree Lane shall be given on the Subdivision Plans.
12. Profiles of the proposed driveway for Lots #2 and #3 shall be provided.
13. Monuments shall be drawn and labeled at all subdivision corners along the entire right of way, where iron pins currently do not exist.
14. The drainage calculations are currently under review by DEME. However, the total area of disturbance for construction shall be listed in the calculations.
15. A cleanout on the proposed sanitary house connection for Lot #4, just inside the property lines, shall be shown on the plans.

TOWN CLERKS OFFICE

2013 JUL 26 PM 12 20

TOWN OF ORANGETOWN

PB #13-14: Deans Subdivision; Preliminary Subdivision Plan subject to Conditions/ Neg. Dec.

Town of Orangetown Planning Board Decision

July 10, 2013

Page 7 of 13

16. The applicant shall place a Contract Limit Line 15 feet from the Southerly boundary, creating an undisturbed area along the property line.
17. Where possible, place a Contract Limit Line 10 feet from the Northerly boundary of the property, creating an undisturbed area along the property line.
18. Drywells shall be placed on the Northern and Southern lots.
19. The Drainage Consultant to the Planning Board, Brooker Engineering reviewed the application and found the application sufficiently demonstrates that adverse impacts with respect to drainage can be mitigated. The consultant therefore recommends that the Deans Subdivision be approved for drainage subject to the following comments:

Project Description

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

Project Comments

1. The existing driveway to Kings Highway is proposed to remain and be used to provide street access for the new dwelling at proposed Lot 1. There is an existing driveway just west of this driveway serving tax lot 77.07-2-24. There is a low point along the off-site driveway with no clear outlet; it appears that this is a potential ponding area. The existing on-site driveway is shown as remaining with no modifications; however, a new sanitary house connection line is proposed along this driveway that will require disturbance and restoration. More detail is required on the Site Plan (proposed spot grades, cross-slope, typical section, etc.) to show the restored condition of this driveway. No on-site runoff from the Lot 1 driveway shall be directed to this off-site adjacent driveway. The proposed design shall be clearly shown on the Site Plan to ensure proper construction and inspection by Town Building Inspectors.

TOWN CLERKS OFFICE

2013 JUL 26 PM 12 20

TOWN OF ORANGETOWN

Continuation of Condition #19.....

1. The swale on the north side of Lot 1 shall be labeled on the plan and a typical section shall be added. The limits of the swale shall be shown and the discharge point shall be added. It is not clear if this swale will discharge to the east (towards tax lot 77.07-2-22) or north along the existing driveway to Kings Highway.
2. The swale along the south side of the house on Lot 1 shall be shown in more detail. Spot grades along the back of the house and the saddle point of the swale shall be shown. There is a large sloping area uphill of this swale that extends onto Lot 2 that is intercepted by the swale and diverted around the house. The swale shall be oversized to accommodate this runoff.
3. The proposed drainage pattern for the driveway on Lot 2 is not clear. A portion of the driveway will runoff towards Pine Tree Lane and a portion will runoff towards the rear yard of Lot 1. It is not clear if the portion that runs off towards Lot 1 will be intercepted by the swale on Lot 1 or follow the natural drainage pattern and flow toward the rear yard of existing tax lot 77.07-2-25. The driveway does not have any detention; either a drywell shall be added for this driveway or the drainage design shall show no increase in stormwater runoff at the design point of the existing swale near the 8-birch pine along the side property line for Lot 1.
4. Grading for the south side of the dwelling at Lot 2 shall be revised to show runoff is directed away from the dwelling.
5. No detention is proposed on Lot 3, which is acceptable because the proposed impervious surfaces approximate the existing conditions. Roof leaders at the northeast and northwest corners of the building shall be shown on the Site Plan that discharge to daylight, away from the north property line and away from the proposed swales around the dwelling at Lot 2.
6. Grading shall be provided along the south side of the proposed driveway at Lot 4 that prevents runoff from entering the existing lot to the south. It is recommended that a portion of the driveway be graded to direct stormwater runoff to one of the proposed drywells.
7. Footing drains shall be shown for all dwellings.

TOWN CLERKS OFFICE

2013 JUL 26 PM 12 20

TOWN OF ORANGETOWN

PB #13-14: Deans Subdivision; Preliminary Subdivision Plan subject to Conditions/ Neg. Dec.

Town of Orangetown Planning Board Decision

July 10, 2013

Page 9 of 13

Continuation of Condition #19...

8. It is recommended the applicant consider making the driveway connection for proposed Lot 1 to Pine Tree Lane and abandon the driveway to Kings Highway. This would reduce the length of the driveway, reduce the amount of impervious area, avoid the existing off-site drainage low point near Kings Highway, allow the house to be constructed at a higher elevation and reduce the excavation, and allow the sanitary house connection to be made via Pine Tree Lane instead of Kings Highway.
 9. The drainage report shall show how the proposed conditions impervious surface was calculated. A reasonable amount of sidewalks, patios, and decks shall be incorporated into the design. The impervious surface per lot shall be shown on the Site Plan and in the drainage report to facilitate review of future building permit applications with respect the assumptions on the plan.
 10. A maintenance plan and schedule for the drywells shall be shown on the Site Plan.
- 20.** Rockland County Department of Planning had the following comments which are incorporated herein as conditions of approval:
1. As required by the Rockland County Stream Control Act, the subdivision plan must be reviewed and signed by the Chairman of the Rockland County Drainage Agency before the Rockland County Clerk can accept the plan to be filed.
 2. The comments in the March 14, 2013 letter from the Rockland County Drainage Agency must be addressed.
 3. A review shall be completed by the New York State Department of Transportation and any required permits obtained
 4. There shall be no net increase in the peak rate of discharge from the site at all design points.
 5. Prior to any grading or construction on the site, a soil and erosion control plan shall be developed that meets the New York State Guidelines for Urban Erosion and Sediment Control.
 6. 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).

TOWN CLERKS OFFICE

2013 JUL 26 PM 12 20

TOWN OF ORANGETOWN

PB #13-14: Deans Subdivision; Preliminary Subdivision Plan subject to Conditions/ Neg. Dec.

Town of Orangetown Planning Board Decision

July 10, 2013

Page 10 of 13

21. Rockland County Department of Highways reviewed the plans and offered the following remarks:
- The Rockland County Department of Highway reviewed the plans and information provided and found the proposed action shall have a diminimus impact upon county roads nearby.
 - Since Kings Highway is not a County Road, a Rockland County Highway Department Work Permit will not be required for the development of the proposed subdivision.
22. Based upon Rockland County Drainage Agency (RCDA) evaluation of available mapping and information submitted, the site has been determined to be outside the jurisdiction of the RCDA. Therefore, a permit from the RCDA pursuant to the Rockland County Stream Control Act would not be requested. However, the RCDA has concerns with respect to the potential impacts from the proposed project to the Sparkill Creek, a County regulated stream, and affected floodplains. Therefore, the RCDA recommends that the Town of Orangetown carefully review the proposal and ensure that it will not result in an increase in the rate of stormwater runoff from the site.
23. The Rockland County Stream Control Act, Chapter 846, requires that all subdivision maps must be signed by the Chairman of the Rockland County Drainage Agency before the Rockland County Clerk will accept same for filing.
24. 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 no future correspondence is requested for this site.
25. The Rockland County Department of Health (RCDOH) reviewed the plans and found that there are no RCDOH approvals needed for this project.
26. 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 Drainage Agency
 - Rockland County Sewer District #1
 - Rockland County Department of Health
 - Town of Orangetown Zoning Board of Appeals
27. The applicant shall comply with all pertinent items in the Guide to the Preparation of Subdivision Plats prior to signing the final plans.
28. All reviews and approvals from various governmental agencies must be obtained prior to stamping of the Subdivision Plan.

TOWN CLERKS OFFICE
2013 JUL 26 PM 12 20
TOWN OF ORANGETOWN

29. 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.

30. 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.

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

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

- Light to Heavy Impacts – Minimum of eight inches of wood chips installed in the area to be protected. Chips shall be removed upon completion of work.
 - Light Impacts Only – Installation of ¾ inch of plywood or boards, or equal over the area to be protected.
- The builder or its agent may not change grade within the tree protection zone of a preserved tree unless such grade change has received final approval from the Planning Board. If the grade level is to be changed more than six (6) inches, trees designated to be preserved shall be welled and/or preserved in a raised bed, with the tree well a radius of three (3) feet larger than the tree canopy.

TOWN CLERKS OFFICE

2013 JUL 26 PM 12 20

TOWN OF ORANGETOWN

Town of Orangetown Planning Board Decision

July 10, 2013

Page 12 of 13

- 32.** All landscaping shown on the subdivision plan shall be maintained in a vigorous growing condition throughout the duration of the use of this site. Any plants not so maintained shall be replaced with new plants at the beginning of the next immediately following growing season.
- 33.** 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.
- 34.** The contractor's trailer, if any is proposed, shall be located as approved by the Planning Board.
- 35.** 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).
- 36.** Permanent vegetation cover of disturbed areas shall be established on the site within thirty (30) days of the completion of construction.
- 37.** 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

TOWN CLERKS OFFICE

2013 JUL 26 PM 12 20

TOWN OF ORANGETOWN

PB #13-14: Deans Subdivision; Preliminary Subdivision Plan subject to Conditions/ Neg. Dec.

Town of Orangetown Planning Board Decision
July 10, 2013
Page 13 of 13

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

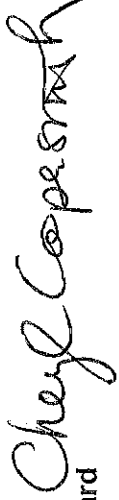
The foregoing Resolution was made and moved by Bruce Bond and seconded by William Young and carried as follows: Bruce Bond, aye; Kevin Garvey, aye; Michael Mandel, aye; William Young, aye; John Foody, absent; Robert Deil, aye and Jeffrey Golda, aye.

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: July 10, 2013

Town of Orangetown Planning Board

attachment



TOWN CLERKS OFFICE

2013 JUL 26 PM 12 20

TOWN OF ORANGETOWN

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

**PB #13-14: Deans Subdivision; Preliminary Subdivision Plan subject to
Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision
July 10, 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: Deans Subdivision; Preliminary Subdivision Plan
subject to Conditions/ Neg. Dec.**

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

DESCRIPTION OF ACTION: Subdivision

LOCATION: The site is located at 30 Pine Tree Lane, Tappan, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 77.07, Block 2, Lot 26 in the R-15 zoning district.

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, Town Supervisor, Applicant, Involved Agencies

TOWN CLERKS OFFICE

2013 JUL 26 PM 12 20

TOWN OF ORANGETOWN

**PB #13-12: LSI Services, Inc. Site Plan— Preliminary Site Plan Approval
Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision
July 10, 2013
Page 1 of 14**

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

RE: LSI Services, Inc., Site Plan, a continued item: The application of LSI Services, Inc., applicant, for VLJ Realty, LLC, owner, for Preliminary/ Preliminary Site Plan Review (Donald Brenner, attorney for the owner), at a site to be known as “**LSI Services, Inc., 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 on the west side of Blaisdell Road, approximately 600 feet south of Ramland Road, at 336 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 1 in the LIO zoning district.

Heard by the Planning Board of the Town of Orangetown at meetings held **Wednesday, April 10 and July 10, 2013**, the Board made the following determinations:

April 10, 2013

Donald Brenner, Jay Greenwell and Darden Bilali appeared and testified. The Board received the following communications:

1. Project Review Committee Report dated April 3, 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 April 10, 2013.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated April 4, 2013.
4. Letters from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated March 20 and April 8, 2013.
5. A letter from the Rockland County Department of Planning, signed by Thomas Vanderbeek, Commissioner of Planning, dated March 19, 2013.
6. A letter from the Rockland county Department of Highways, signed by Sonny Lin, P.E., dated March 14, 2013.
7. Letters from the Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated February 21, 2013.
8. A letter from the Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer II, dated March 19, 2013.
9. An interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by Michael Bettmann, Chief, dated March 8, 2013.
10. A letter from Thomas W. Skrable, P.E., Borough Engineer, Borough of Old Tappan, New Jersey, dated March 1, 2013.
11. A letter from the Town of Orangetown Zoning Board of Appeals, signed by Daniel W. Sullivan, dated February 10, 2013.

TOWN CLERKS OFFICE

2013 JUL 26 PM 12 20

TOWN OF ORANGETOWN

**PB #13-12: LSI Services, Inc. Site Plan – Preliminary Site Plan Approval
Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision
July 10, 2013
Page 2 of 14**

12. A copy of a memorandum from Jay A. Greenwell, PLS, to Ken DeGennaro, P.E., dated April 8, 2013.
13. A Short Environmental Assessment Form, dated February 5, 2013, signed by Dardan Bilali.
14. Site Development Plan for LSI Services, Inc., prepared by Jay A. Greenwell, PLS, dated November 27, 2012, revised January 29, 2013.
15. Copy of the Application for Building/Demolition from the Town of Orangetown Office of Building, Zoning, Planning Administration and Enforcement, dated December 21, 2012.
16. A report entitled Hydraulic Analysis and Stormwater Design Calculations, prepared by Gdanski Consultants, Inc., dated December 29, 2012.
17. Submitted by abutting property owners, a report entitled Planning and Zoning Report in Opposition to Site Plan for Landscape Contractor' Storage Yard, 336 Blaisdell Road, prepared by Bonnie Franson, AICP, PP, dated April 2, 2013.
18. Submitted at the meeting by the applicant, photographs of the site.

The Board reviewed the plan and photographs.

The hearing was then opened to the Public.

Public Comments:

Thomas Herton, attorney representing the abutting property owners, Connie and Philip Dobitsch, 2 Lone Cedar Way, Old Tappan, New Jersey: discussed the history of the site. Mr. Herton held that the site needed a number of zoning variances and therefore, the proposed Site Plan should be denied. He noted that Note #2 in the Town Ordinance states that if this type of zoned property abuts a residential zone, then there must be a 100 foot buffer. Mr. Herton held that the site had numerous environmental problems, and a Full Environmental Assessment Form (EAF) should be prepared, the Short EAF is not sufficient. He provided the Board with photographs of the site showing outside storage of chemicals, noting that the site is in violation to the Zoning Code of Orangetown. He wanted to know the types of chemicals that will be stored on the site in the future and the regulations that control its storage. Mr. Herton referred to Note #13 in the Bulk Table.

Philip Dobitsch, 2 Lone Cedar Way, Old Tappan, New Jersey, a portion of his property is located in the State of New York: stated that he moved into his house in 1999 with full knowledge of a corporate center in the area, however, the project site is a junk yard. He discussed the existing conditions of the site, that there are smells and noises coming from the site all day, including weekends. Mr. Dobitsch noted that since the applicant was placed in violation to the Town Code years ago, that he should not be physically on the site, let alone still in operation.

Cornelia Dobitsch, 2 Lone Cedar Way, Old Tappan, New Jersey, a portion of her property is located in the State of New York: presented photographs of the possible hazardous conditions on the site.

TOWN CLERKS OFFICE

2013 JUL 26 PM 12 20

TOWN OF ORANGETOWN

Town of Orangetown Planning Board Decision

July 10, 2013

Page 3 of 14

Mike Policastro, 4 Lone Cedar Way, Old Tappan, New Jersey: discussed the visual and sensory impact of the site to the neighborhood; placement of items that are piled over the site's fence line, noxious smells, and loud noises emanating from the site.

Anna Haverilla, 22 7 Old Tappan Road, Old Tappan, New Jersey, Borough of Old Tappan Councilwoman, however, here on behalf of herself: expressed concerns regarding the condition of the site. She held that the site is an eyesore and an annoyance to abutting property owners. Ms Haverilla requested that the Board deny the applicant's request for approval.

John Policastro, 5 Lone Cedar Way, Old Tappan, New Jersey: raised concerns regarding the contamination of the soil in the area. He questioned the Board regarding the applicant's ability to maintain the site in the future, if approval was granted.

The applicant requested a **CONTINUATION**.

July 10, 2013

Donald Brenner, Jay Greenwell and Dardan Bilali appeared and testified. The Board received the following communications:

1. Project Review Committee Report dated July 3, 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 July 10, 2013.

The Board reviewed the plan

The hearing was then opened to the Public.

Public Comments:

Thomas Herton, attorney representing the abutting property owners, Connie and Philip Dobitsch, 2 Lone Cedar Way, Old Tappan, New Jersey: discussed the visual impact of the property on the neighborhood. He requested information in regard to future screening of the site, and held that the Planning Board could not make a determination on the project until the screening is shown on the Site Plan. Mr. Herton stated that from a planning perspective, the project did not fit into the neighborhood. Additionally, Mr. Herton noted that his client has never been approached by the applicant regarding his offer for a vegetative screening, as the applicant had stated at the meeting.

Mike Policastro, 4 Lone Cedar Way, Old Tappan, New Jersey: expressed concerns regarding the impact of fertilizer and pesticides to be stored on the site and the fire hazards and environmental damage to the area water supply. Mr. Policastro requested information regarding where the pesticides are currently stored. He discussed the fact that the site has been in violation for the past 2 years and that trees have recently been removed. Mr. Policastro requested information regarding the occupancy of the proposed building, height requirements and use of the proposed building.

TOWN CLERKS OFFICE
2013 JUL 26 PM 12 20
TOWN OF ORANGETOWN

**PB #13-12: LSI Services, Inc. Site Plan— Preliminary Site Plan Approval
Subject to Conditions/ Neg. Dec.**

Town of Orangetown Planning Board Decision

July 10, 2013

Page 4 of 14

Pat O'Brien, Borough Administrator of Old Tappan, New Jersey, noted that over the past few years there has been a good relationship between Old Tappan and Orangetown, however, the determination regarding the use of this site may come between the two municipalities. Mr. O'Brien expressed concerns regarding the continued hazardous conditions of the site, since it has taken two years to get the applicant to appear in front of the Planning Board for compliance with the violations.

Philip Dobitsch, 2 Lone Cedar Way, Old Tappan, New Jersey, a portion of his property is located in the State of New York; stated that he pays taxes for that portion of his property in New York State as "Residential". He expressed concerns regarding the trucks from the applicant's site that park on along the right of way of Blaisdell Road. Mr. Dobitsch stated that he has witnessed trucks blocking traffic on Blaisdell Road in order enter or exit the site. He held that the height of the proposed building will impact the value of this home, since it is 8 feet away from his property line. Mr. Dobitsch presented the Board with photographs of the site.

Connie Dobitsch, 2 Lone Cedar Way, Old Tappan, New Jersey, a portion of his property is located in the State of New York; acknowledged that the site has been cleaned and organized, however, once the Site Plan is approved those items may return. She discussed the placement of the fence on the site.

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

The proposed action is classified as an "unlisted action" as defined by Section 617.2 (ak) of the New York State Environmental Quality Review Regulations (SEQRR). No agency, other than the Orangetown Planning Board will have any significant involvement in the review process, pursuant to Section 617.6 of SEQRA. On motion by Bruce Bond and seconded by Michael Mandel and carried as follows: Kevin Garvey, aye; Bruce Bond, aye; William Young, aye; Robert Dell, aye; John Foody, absent; Michael Mandel, aye and Jeffrey Golda, aye; the Board declared itself Lead Agency.

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

TOWN CLERKS OFFICE

2013 JUL 26 PM 12 20

TOWN OF ORANGETOWN

**PB #13-12: LSI Services, Inc. Site Plan– Preliminary Site Plan Approval
Subject to Conditions/ Neg. Dec.**

Town of Orangetown Planning Board Decision

July 10, 2013

Page 5 of 14

After having identified the relevant areas of environmental concern, namely drainage, surface water runoff, land clearing, vegetation, fauna, traffic and noise levels, and after having taken a hard look at said environmental issues, and after having deliberated regarding such concerns, and having heard from the applicant, the applicant's professional representatives, namely Jay Greenwell, PLS, and having heard from the following offices, officials and/or Departments: (Town of Orangetown): Project Review Committee, Office of Building, Zoning, Planning Administration and Enforcement and Department of Environmental Management and Engineering; and having heard from the following involved and interested agencies: Town of Orangetown Zoning Board of Appeals, Rockland County Department of Highways, Rockland County Department of Health, Rockland County Sewer District No. 1, and having reviewed the proposed Site Plan prepared by Jay Greenwell, PLS, a summary of the reasons supporting this determination are, and the Planning Board finds that the proposed action:

- Will not significantly affect existing air quality or noise levels;
- Will not significantly affect existing surface water quality or quantity or drainage;
- Will not significantly affect existing ground water quality or quantity;
- Will not significantly affect existing traffic levels;
- Will not create a substantial increase in solid waste production;
- Will not create a potential for erosion, flooding, leaching or drainage problems;
- Will not have a significant adverse impact on the environmental characteristics of our critical environmental area or environmentally sensitive sites or features;
- Will not have an impairment of the character or quality of important historical, archeological or architectural resources;
- Will not have an impairment of the character or quality of important aesthetic resources;

- Will not have an impairment of existing community or neighborhood character;
- Will not remove or destroy large quantities of vegetation or fauna;
 - Will not remove or destroy large quantities of wildlife species or migratory fish;
 - Is consistent with the Town of Orangetown's Comprehensive/Master Plan;
 - Will not have adverse economic or social impacts upon the Town;
 - Will not create a hazard to human health; and
 - Will not create a substantial change in the use of land, open space or recreational resources.

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

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

TOWN CLERKS OFFICE

2013 JUL 26 PM 12 20

TOWN OF ORANGETOWN

Town of Orangetown Planning Board Decision

July 10, 2013
Page 6 of 14

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 proposes a business use on the property with an office and storage.
4. The following variances need to be sought from the Town of Orangetown Zoning Board of Appeals:

<u>Zoning Variance Required</u>	<u>Provided</u>	<u>Proposed</u>
a) Minimum Lot Area 2 acres required	0.425 acres	
b) Minimum Lot Width 300 feet required	60 feet	
c) Minimum Street Frontage 150 feet required	58.3 feet	
d) Minimum Side Yard 100 feet required		8 feet
e) Minimum Total Side Yard 200 feet required	28 feet	
f) Minimum Rear Yard 100 feet required	68.3 feet	
g) Maximum Development Coverage 75% allowed		80% proposed

TOWN CLERKS OFFICE

2013 JUL 26 PM 12 20

TOWN OF ORANGETOWN

**PB #13-12: LSI Services, Inc. Site Plan— Preliminary Site Plan Approval
Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision
July 10, 2013
Page 7 of 14**

Continuation of Condition #4....

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

<u>Zoning Variance Required</u>	<u>Provided</u>	<u>Proposed</u>
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h) Maximum Building Height 2 feet allowed		20 feet
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i) Parking Spaces 10 spaces required	5 spaces	
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- The proposed gravel parking area requires a variance as per Section 6.36, "Drainage and Surfacing", Town of Orangetown Town Code.
 - All accessory storage shall be within completely enclosed buildings, a variance shall be required, as per Section 3.11, Column 7, item 2 of the Town of Orangetown Zoning Code.
5. The 6 foot high fence in the front yard requires a variance from the Town of Orangetown Zoning Board of Appeals.
 6. No parking is permitted in any required yard.
 7. The septic system will require approval from the Rockland County Department of Health.
 8. The applicant shall provide the Planning Board a Site Plan noting all proposed screening, as per Section 3.11, Column 7, item 2a of the Town of Orangetown Town Code.
 9. The Site Plan shall be reviewed and approved by the Town of Orangetown Architecture and Community Appearance Board of Review.
 10. The types of "proposed material storage" shall be disclosed and labeled on the Site Plan prior to the granting of Final Site Plan Approval.
 11. Item #8 of the Short Environmental Assessment Form shall list the required variances.

TOWN CLERKS OFFICE

2013 JUL 26 PM 12 20

TOWN OF ORANGETOWN

Town of Orangetown Planning Board Decision

July 10, 2013

Page 8 of 14

12. Drainage facilities shall be added to the rear of the site.
13. Truck parking shall be removed and relocated into the building and this shall be noted on the Site Plan prior to the granting of Final Site Plan Approval.
14. If the area in the back of the property is to be used for storage, the applicant shall state what and how it is to be stored and this shall be noted on the Site Plan prior to the granting of Final Site Plan Approval.
15. The sanitary septic system for the lot must be reviewed and approved by the Rockland County Health Department. **Copies of this approval shall be submitted to the Planning Board and DEME prior to signing the Final Map.**
16. The proposed overflow line from the drywell system shall be realigned to enter the drainage system along Blaisdell Road "inline" with the existing flow.
17. The drainage calculations are currently under review by DEME.
18. The soil erosion and sediment control plans and details are under review by DEME.
19. The Drainage Consultant to the Planning Board, Brooker Engineering reviewed the application and found the application sufficiently demonstrates that adverse impacts with respect to drainage can be mitigated. The consultant therefore recommends that the LSI Site Plan be approved for drainage subject to the following comments:

Project Description

This is the second drainage review report to the Planning Board for this project; the last report was dated March 20, 2013. The property is on the west side of Blaisdell Road, just north of the corporate limits with the Borough of Old Tappan, New Jersey. The site is partially developed and used for an irrigation system/landscaping business. The rear of the property is lightly wooded. The front of the site has a dirt area used for vehicle parking and several containers, sheds, and trailers. There was also landscaping debris on the site at the time of our visit. Stormwater runoff flows southeast across the property toward the property to the south and toward Blaisdell Road. Site disturbance is less than one acre and a drywell system is proposed to provide stormwater mitigation. No Stormwater Pollution Prevention Plan and post construction water quality measures are required for the proposed action.

Description of Supplemental Information

The supplemental drawing addresses the previous comments pertaining to grading of the front and side yards around the new building. The plan shows that stormwater runoff from the new impervious areas will be directed to the detention system via additional curbing and revised grading. The Drainage Consultant has following comments:

TOWN CLERKS OFFICE

2013 JUL 26 PM 12 20

TOWN OF ORANGETOWN

Continuation of Condition #19.....

Project Comments

1. A new catch basin has been added to assist in directing overflows from the detention system to the existing catch basin on Blaisdell Road. The crown of the new eight inch overflow pipe shall match or be above the crown of the existing 18-inch storm drain pipe. The plans should demonstrate that surcharges at the new catch basin Blaisdell Road will not flow into the drywells. The drainage calculations shall be revised to not include volume in the drywell system below the overflow pipe invert elevation in the detention volume calculations.
2. The soil report indicated a well-draining A-type soil at the site. The Consultant observed areas of standing water during their site visit. The invert of the drywells are approximately 10-12 feet below existing grade; it is not clear that they can provide the required stormwater detention to mitigate against increases in runoff without being affected by the seasonal groundwater table. The Consultant recommends that soil percolation tests be performed prior to final approval and the applicant's engineer shall make a determination regarding the seasonal groundwater table. As requested, a note has been added to the plan, "Coordinate soil test pits and perc tests with Planning Board Drainage Engineer and Orangetown DEME prior to performing tests."
3. The calculations in the drainage report utilize less impervious surface than what is shown on the bulk table in the Site Plan. This shall be clarified and supporting information shall be provided demonstrating the proposed condition impervious surface calculations. A drainage basin map shall be added to the drainage report that clearly shows the area intended to be diverted to the drywell system. This plan shall also show how any off-site areas will be diverted around the drywell system.
4. Show drywell and pipe inverts on the plan and detail. Add a maintenance and inspection schedule for the proposed detention system to the Site Plan.

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

- The comments and conditions in the March 14, 2013 letter from the Rockland County Highway Department shall be met. All required permits must be obtained.
- The comments and conditions in the February 21, 2013 letter from the Rockland County Health Department shall be met. All required permits must be obtained.
- In 2002, this site was proposed to be used for valet parking for a nearby restaurant. Is this site still being used for valet parking, and if so, then a discussion of how the site will serve both uses.

TOWN CLERKS OFFICE
2013 JUL 26 PM 12 20
TOWN OF ORANGETOWN

**PB #13-12: LSI Services, Inc. Site Plan– Preliminary Site Plan Approval
Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision
July 10, 2013
Page 10 of 14**

Continuation of Condition #20.....

- A lighting plan with fields of illumination shall be submitted for review to Rockland County Department of Planning. It must be demonstrated that no lighting shall shine into the County right of way or outside the property boundary.
- All proposed signage shall be indicated on the Site Plan and shall conform to the Town of Orangetown sign standards.
- The Borough of Old Tappan municipal boundary abuts the subject property along the western edge of the subject property. 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, New Jersey, must be considered and satisfactorily addressed, as well as any additional concerns about the Site Plan.
- Prior to any grading or construction on the site, a soil and erosion control plan shall be developed that meets the New York State Guidelines for Urban Erosion and Sediment Control.
- There shall be no net increase in the peak rate of discharge from the site at all design points.
- It is noted that many variances will be required for this proposed use, some which are directly related to the size of the tax parcel. However, of particular concern is the provision of inadequate parking, given the site's location on a County highway. The Rockland County Department of Planning requests the opportunity to review any variances that may be requested from the Town of Orangetown Zoning Board of Appeals in order to implement the revised Site Plan, as required by New York State General Municipal Law, Section 239-m, (a)(v).

TOWN CLERKS OFFICE
2013 JUL 26 PM 12 20
TOWN OF ORANGETOWN

**PB #13-12: LSI Services, Inc. Site Plan– Preliminary Site Plan Approval
Subject to Conditions/ Neg. Dec.**

Town of Orangetown Planning Board Decision

July 10, 2013

Page 11 of 14

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

1. The available sight distance along Blaisdell Road shall be shown on the drawings.
2. The debris, vegetation and dirt entrance within the designated street line shall be removed and reconstructed as required.
3. A note shall be added on the drawing to indicate no soil, salt, fertilizer or other landscaping or construction materials shall be stored outdoor and add standard landscaping notes and curb transition details on the drawing.
4. A Rockland County Highway Work Permit will be required for any utility connection within Blaisdell Road.

22. 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.

23. The Rockland County Department of Health (RCDOH) reviewed the plan and offered the following comments:

1. Approval is needed from the RCDOH for the proposed septic field. Due to the limited space available for the system, soil tests shall be done as soon as possible to confirm that the system could be sited a the located indicated.
2. Application is to be made to the RCDOH for review of the storm water management system for compliance with the County Mosquito Code.

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

- Install and maintain an NFPA 72 compliant Fire Alarm System connected to Rockland County 44 Control. The panel shall transmit codes in contact ID format, and have an amber strobe as per Town of Orangetown Town Code.
- The plans for the Fire Alarm System shall be submitted to the Fire Prevention Bureau for approval before work begins.
- Install and maintain portable fire extinguishers as required by NFPA 10.
- Install and maintain Emergency lighting as per NEC.
- Install and maintain Flammable and combustible liquid cabinets, as required.
- Apply for and maintain Certificate of Compliance Fire Safety with the Bureau of Fire Prevention.
- Apply for a Hazardous Materials Permit, if applicable.
- Maintain access for emergency vehicles to the rear of the lot.
- Stabilize the road to support emergency vehicles.

TOWN CLERKS OFFICE

2013 JUL 26 PM 12 20

TOWN OF ORANGETOWN

Town of Orangetown Planning Board Decision

July 10, 2013

Page 12 of 14

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

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

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. 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 preserve 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 ¼ 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.

TOWN CLERKS OFFICE

2013 JUL 26 PM 12 20

TOWN OF ORANGETOWN

**PB #13-12: LSI Services, Inc. Site Plan– Preliminary Site Plan Approval
Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision
July 10, 2013
Page 13 of 14**

- 29.** 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.
- 30.** 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.
- 31.** The contractor's trailer, if any is proposed, shall be located as approved by the Planning Board.
- 32.** 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).
- 33.** Permanent vegetation cover of disturbed areas shall be established on the site within thirty (30) days of the completion of construction.
- 34.** 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
- 35.** The Planning Board shall retain jurisdiction over lighting, landscaping, signs and refuse control.

TOWN CLERKS OFFICE
2013 JUL 26 PM 12 20
TOWN OF ORANGETOWN

**PB #13-12: LSI Services, Inc. Site Plan– Preliminary Site Plan Approval
Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision
July 10, 2013
Page 14 of 14**

36. 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.

Override

The Board made a motion to override Condition #6 of the March 19, 2013 letter from Rockland County Department of Planning, signed by Thomas Vanderbeek, P.E., Commissioner of Planning, for the following reasons:

#6. A landscaping plan shall be submitted for our review. To visually enhance the site, landscaping must be provided, especially along Blaisdell Road and along the property that abuts the adjacent municipality.

The Board held that the applicant will be appearing in front of the Town of Orangetown Architecture and Community appearance Board of Review for review and approval of the Landscaping Plan.

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

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, absent; Robert Dell, aye, Michael Mandel, aye and Jeffrey Golda, nay.

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

**Dated: July 10, 2013
Town of Orangetown Planning Board**



TOWN CLERKS OFFICE
2013 JUL 26 PM 12 21
TOWN OF ORANGETOWN

**PB #13-12: LSI Services, Inc. Site Plan– Preliminary Site Plan Approval
Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision
July 10, 2013**

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: LSI Services, Inc. Site Plan

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

DESCRIPTION OF ACTION: Site Plan Review

LOCATION: The site is located at 336 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 1 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

TOWN CLERKS OFFICE

2013 JUL 26 PM 12 21

TOWN OF ORANGETOWN

PB #13-31: 1 Ramland Road Resubdivision Plan – 1547 – Final Resubdivision Plan Approval Subject to Conditions/ Neg. Dec.

**Town of Orangetown Planning Board Decision
July 10, 2013
Page 1 of 4**

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

RE: One Ramland Road Resubdivision Plan: The application 1547 Realty, applicant, for Ramland Holding LLC, owner, for Prepreliminary/ Preliminary/ Final Resubdivision Plan Review (Donald Brenner, Attorney for the owner), at a site known as “**One Ramland Road 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 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 One Ramland Road, Tappan, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 73.20, Block 1, Lots 23 & 24 in the LIO zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held, **Wednesday, July 10, 2013**, at which time the Board made the following determinations:

Jay Greenwell and Donald Brenner appeared and testified for the applicant. The Board received the following communications:

1. Project Review Committee Report, dated July 3, 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 July 10, 2013.
3. A letter from Rockland County Department of Planning, signed by Thomas B. Vanderbeek, Commissioner of Planning, dated July 3, 2013.
4. A letter from Rockland County Department of Highways, signed by Sonny Lin, P.E., dated July 9, 2013.
5. Letters from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated June 14, 2013.
6. A letter from Rockland County Drainage Agency, signed by Vincent Altieri, Executive Director, dated July 2, 2013.
7. A letter from Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer II, dated July 2, 2013.
8. Letters from the New York State Department of Environmental Conservation, Division of Environmental Permits, Region 3, signed by Jean McAvoy, dated June 28, 2013.
9. A letter from the Town of Orangetown Zoning Board of Appeals, signed by Dan Sullivan, Chairman, dated June 19, 2013.
10. A Short Environmental Assessment Form, dated June 6, 2013, signed by Patrick Hynes, 1547 Realty.
11. Lot Line Modification Plan prepared by Jay Greenwell, PLS, dated May 21, 2013.

TOWN CLERKS OFFICE
2013 JUL 26 PM 12 21
TOWN OF ORANGETOWN

PB #13-31: 1 Ramland Road Resubdivision Plan – 1547 – Final Resubdivision Plan Approval Subject to Conditions/ Neg. Dec.

Town of Orangetown Planning Board Decision

July 10, 2013

Page 2 of 4

12. Copies of Board decisions for Site Plan Review: PB #12-54, Preliminary Site Plan Approval Subject to Conditions, Neg. Dec., dated March 27, 2013, ZBA #13-33, Performance Standards Conformance Approved, dated May 15, 2013 and ZBA #13-32, Front Yard, Building Height, Outdoor Loading Berth, Variances Approved, dated May 15, 2013.

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

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.

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

TOWN CLERKS OFFICE

2013 JUL 26 PM 12 21

TOWN OF ORANGETOWN

Town of Orangetown Planning Board Decision

July 10, 2013

Page 3 of 4

2. The following note shall be placed on the Subdivision Plan regarding Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.
3. The Short Environmental Assessment Form (EAF) appears to be in order.
4. 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. 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.
5. The Rockland County Department of Health (RCDOH) reviewed the plans and found that no RCDOH approvals are needed for this application of a Lot Line Modification.
6. Based upon Rockland County Drainage Agency (RCDA) evaluation of available mapping and information submitted, it has been determined that the proposed activity is outside the jurisdiction of the RCDA. Therefore, a permit from the RCDA pursuant to the Rockland County Stream Control Act, Chapter 846, is not required based upon its review of the information provided.
7. 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.
8. The New York State Department of Environmental Conservation, Division of Environmental Permits, Region 3, has reviewed the plans and found that the Department has no jurisdiction regarding the Resubdivision of the lots.
9. The following agencies do not object to the Town of Orangetown Planning Board assuming responsibilities of lead agency for SEQRA purposes:
 - New York State Department of Environmental Conservation
 - Rockland County Sewer District #1
 - Rockland County Health Department
 - Town of Orangetown Zoning Board of Appeals

TOWN CLERKS OFFICE

2013 JUL 26 PM 12 21

TOWN OF ORANGETOWN

Town of Orangetown Planning Board Decision
July 10, 2013
Page 4 of 4

10. The applicant shall comply with all pertinent items in the Guide to the Preparation of Subdivision Plans prior to signing the final plans.
11. All reviews and approvals from various governmental agencies must be obtained prior to stamping of the Subdivision Plan.
12. 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.

The foregoing Resolution was made and moved by Michael Mandel and seconded by Bruce Bond and carried as follows: Kevin Garvey, aye; Bruce Bond, aye; William Young, aye; John Foody, absent; 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: July 10, 2013

Town of Orangetown Planning Board

attachment



TOWN CLERKS OFFICE
2013 JUL 26 PM 12 21
TOWN OF ORANGETOWN

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

**PB #13-31: 1 Ramland Road Resubdivision Plan – 1547 – Final
Resubdivision Plan Approval Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision
July 10, 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: 1 Ramland Road Resubdivision Plan – 1547 – Final
Resubdivision Plan Approval Subject to Conditions/ Neg. Dec.**

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

DESCRIPTION OF ACTION: Resubdivision Plan

LOCATION: The site is located at One Ramland Road, Tappan, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 73.20, Block 1, Lots 23 & 24 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
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TOWN CLERKS OFFICE

2013 JUL 26 PM 12 21

TOWN OF ORANGETOWN