

Meeting of June 10, 2015
Town of Orangetown Planning Board

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

MEMBERS ABSENT: Robert Dell

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:

Items:

Parseghian Site Plan	PB #15-28
Final Site Plan and	Final Site Plan
Commercial Interior Subdivision Review	Approval and
Route 303 Overlay Zone	Commercial Interior
594 Route 303, Blauvelt	Subdivision Plan Approval
70.10/3/18; CC zoning district	Subject to Conditions

Shaw Site Plan	PB #15-29
Prepreliminary/ Preliminary/ Final Site Plan	Final Site Plan
and SEQRA Review	Approval Subject
Critical Environmental Area	to Conditions
1111 Route 9W, Nyack (Upper Grandview)	Neg. Dec.
71.05/2/20; R-22 zoning district	

Other Business:

1. Proposed Local Law relating to Prohibited Uses Town-wide §10.5:
Review/Recommendation and Lead Agency Status:
 - The Planning Board had not objection to the Town Board as Lead Agency on this action.
 - The Planning Board recommended that the Town Board perform a more comprehensive review of the Zoning Code before taking a piecemeal approach.
2. Blauvelt Library Site Plan/Building Addition Plan: The Board held that the application did not need to be reviewed by the Planning Board since the improvement to the building was minor, a total of 64 square feet. The application should be reviewed by the Architecture and Community Appearance Board of Review.

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The decisions of the May 27, 2015 Planning Board Meeting were reviewed, edited, and approved. The motion for adoption was made and moved by Michael Mandel and seconded by Stephen Sweeney and carried as follows: William Young, aye; Kevin Garvey, aye, Thomas Warren, aye, Robert Dell, absent; Bruce Bond, aye; Stephen Sweeney, aye and Michael Mandel, aye.

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

Since there was no further business to come before the Board, a motion to adjourn the meeting was made by Stephen Sweeney and seconded by Michael Mandel and agreed to by all in attendance. The meeting was adjourned at 8:30 p.m. The next Planning Board meeting is scheduled for July 22, 2015.

DATED: June 10, 2015
Cheryl Coopersmith
Chief Clerk Boards and Commissions



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**PB #15-28: Parseghian Site Plan and Commercial Interior Subdivision
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TO: Jessey Cokeley, Maser Consulting, 777 Chestnut Ridge Road,
Suite 202, Chestnut Ridge, New York 10977-6218
FROM: Orangetown Planning Board

RE: Parseghian Site Plan and Commercial Interior Subdivision

Plan: The application of Masis Parseghian, applicant, for, Parseghian Four, owner, for Final Site Plan Approval, and Commercial Interior Subdivision Plan Review, at a site known as "**Parseghian Plans**", 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 and 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 594 Route 303, Blauvelt, Town of Orangetown, Rockland County, and as shown on the Orangetown Tax Map as Section 70.10, Block 3, Lot 18 in the CC zoning district

Heard by the Planning Board of the Town of Orangetown at a meeting held **June 10, 2015**, at which time the Board made the following determinations:

Jessey Cokeley and Masis Parseghian appeared and testified.

The Board received the following communications:

1. A Project Review Committee Report dated June 3, 2015.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated June 10, 2015.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering, (DEME) Town of Orangetown, signed by Bruce Peters, P.E., dated June 4, 2015.
4. A letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated June 9, 2015.
5. A letter from the Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated May 19, 2015.
6. A letter from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated May 7, 2015.
7. Engineer's Report for Proposed Sewer System: Parseghian Shopping Center, prepared by Maser Consulting, dated April 2012, revised April 2015.
8. A letter from Maser Consulting dated April 20, 2015, signed by Jesse Cokeley, P.E., Associate.
9. A letter from Suez Environmental/ United Water, signed by Frank McGlynn, Manager, New Business, dated April 1, 2015.
10. A Drainage and Hydrology Report, Stormwater Pollution Prevention Plan (SWPPP), Parseghian Shopping Center, prepared by Maser Consulting, dated April 2012, last revision date of April 2015.

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11. Final Site Plans for Parseghian Shopping Center Plans prepared by Maser Consulting, dated March 20, 2012, last revision dated April 3, 2015:
 - Sheet 1 of 8: Layout & Dimensions Plan
 - Sheet 2 of 8: Grading, Drainage & Utility Plan
 - Sheet 3 of 8: Erosion & Sediment Control Plan
 - Sheet 4 of 8: Erosion & Sediment Control Details
 - Sheet 5 of 8: Construction Details
 - Sheet 6 of 8: Landscaping Plan
 - Sheet 7 of 8: Lighting Plan
 - Sheet 8 of 8: Landscaping Details
12. Copies of prior Board Decisions: ACABOR #14-15, Approved with Conditions, dated June 5, 2014, ZBA #12-82, Route 303 Overlay Zone Variances, Approved, dated December 5, 2013 and PB #12-27, Preliminary Site Plan Approval Subject to Conditions, dated June 13, 2012.

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

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

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

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3. The applicant shall comply with all applicable conditions of previous Board Decisions: ACABOR #14-15, Approved with Conditions, dated June 5, 2014, ZBA #12-82, Route 303 Overlay Zone Variances, Approved, dated December 5, 2013 and PB #12-27, Preliminary Site Plan Approval Subject to Conditions, dated June 13, 2012.
4. The Nationwide Permit 39 from the Army Corp of Engineers needs to be submitted prior to the Clerk signing the Final Map.
5. A post construction storm water maintenance agreement (in accordance with NYSDEC Phase II regulations) for the proposed stormwater systems shall be submitted to DEME and the Town of Orangetown Town Attorney's Office for review and approval. Said agreement shall include a maintenance and management schedule, inspection check list, contact person with telephone number, yearly report to be submitted to DEME, etc.
6. The proposed sanitary main shall be easemented to the Town of Orangetown Sewer Department, as well as an ingress and egress easement. Metes and bounds shall be provided. The easements shall be submitted to DEME and the Town Attorney's Office for review and approval in substance and form.
7. DEME has serious concerns about the location of the proposed retaining wall being a part of the proposed water quality/ water quantity basin. The retaining wall appears to function to both retain the proposed parking area, but also "hold in" the stormwater runoff volume that will enter the basin. The applicant's engineer shall thoroughly explain, in the required SWPPP, the affect that the wall will have on water quality and ability of the wall to keep the water in the basin (i.e. what will prevent water from seeping into the wall and undermining the parking area?). The applicant's engineer is advised that the New York State Stormwater management Design Manual specifically states that "A pond buffer shall be provided that extends 25 feet outward form the maximum water surface elevation of the pond." (NYSSMDM page 6-14 – Required Elements.)
8. The revised SWPPP is under review by DEME.
9. Detailed information regarding the proposed storage pond/ basin shall be supplied (i.e. storage capacity at certain elevations, berm reinforcing, maintenance access, etc.) Also, cross-sections, through the proposed basin, shall be added to the plan.
10. The applicant's engineer shall obtain written permission from the U.S. Army Corp of Engineers (or the NYSDEC – depending on who has jurisdiction of the wetlands on the site) for filing of the existing wetlands (The "ownership" of the wetlands shall be labeled on the plans.)

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11. The revised sanitary calculations are under review by DEME.
12. A note shall be added to the plans stating that any restaurant/ food service business that intend to occupy one or more of the proposed retail spaces must install an appropriately sized grease trap. The trap must be designed by a NYS Licensed Professional Engineer and approved by the Town of Orangetown F.O.G. Coordinator.
13. The soil erosion and sediment control plans and details are under review by DEME.
14. The proposed sanitary main easement to the Town of Orangetown Sewer Department shall be increased to 15 foot wide.
15. The manhole frame cover with details, Sheet 5 of 8, shall reflect the current year date.
16. A detail for the proposed connection to the existing sanitary sewer manhole shall be added to the plans.
17. A detail for the proposed retaining wall shall be provided on the plans.
18. The proposed sidewalk at the Northeast corner of the lot appears to go past the previously dedicated Town property. The applicant shall investigate as to whether this section of sidewalk should be easemented or dedicated to the Town of Orangetown or the NYSDOT.
19. Copies of all correspondence, including any and all approvals, with the New York State Department of Environmental Conservation, U.S. Army Corps of Engineers, the Rockland County Drainage Agency, etc., in connection with this proposed site plan, shall be supplied to the Planning Board and DEME, prior to signing the map.
20. The Drainage Consultant to the Planning Board reviewed the submitted information and found that in their opinion, that the increases in stormwater runoff can be successfully mitigated for this project. The Consultant therefore recommends that the Parseghian Shopping Center Site Plan be approved for drainage subject to the following Project Comments.

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Continuation of Condition #20...

This is the second drainage review report to the Planning Board for this project; the last report was dated June 5, 2012. The property is located on the west side of Route 303, just north of Erie Street. Stormwater runoff flows downhill in a westerly direction across the site toward a swale along CSX railroad. The swale has a nominal slope and was observed to have stagnant water more indicative of a pond. NYSDOT record drawings provided to our office indicate a 24 inch pipe that crosses Route 303 in an easterly direction south of the site. It is not clear if the ponding water in the swale along the railroad is intended to discharge to this system. Based on discussion with the NYSDOT, the natural drainage pattern in this area may be for stormwater runoff from the site to enter the railroad swale and ultimately be discharged to this pipe. The system may be silted in and not functioning due to lack of maintenance; alternately, there may be an overflow structure that allows stormwater to enter this system and flow under Route 303.

The site is approximately 1.86 acres and is proposed to add approximately 1.4 acres of impervious area for the new building and parking areas. A stormwater management basin (NYSDEC BMP P-1) is proposed in the rear of the property to provide stormwater quality and detention mitigation.

Project Comments:

1. As per the June 5, 2012 drainage review report, more information shall be provided for the breakdown of existing and proposed conditions surface cover and curve numbers. A curve number of 100 for the permanent pool of the detention basin should be utilized. The Drainage Consultant's site observation showed a densely vegetated woods/field. The curve numbers for existing conditions are too high and overestimate peak runoff rates leaving the site for the existing conditions property.
2. As per the June 5, 2012 drainage review report, the detention basin outlet pipe discharges to an existing berm that will have to be excavated to allow stormwater to pass through the berm and enter the railroad swale/pond. The plan shall show this area in more detail and shall show no grading off the property. If grading off the property is required, permission or a construction easement from the neighbor shall be obtained. The invert of the pipe is 122.0 and the bottom of bank is 123.26 in this area. The existing 122 contour that is being tied into to construct the flared end section is outside the property. The angle of the pipe discharging at the flared end section will impact the existing berm and require additional excavation that is not shown on the plan; we recommend moving the outlet structure to the north side of the basin (closer to the ramp into the basin) which would allow the outlet pipe to enter the existing railroad swale at a perpendicular angle.

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Continuation of Condition #20...

3. Construction details for the retaining wall shall be part of the Site Plan and the design shall include vehicular surcharges.
4. A jurisdictional determination regarding the wetlands on site shall be provided by the Army Corps of Engineers.
5. The existing railroad swale west of the site that receives the outfall from the stormwater management basin continues to have standing water and appears to behave more as a pond than a swale. The engineer shall determine the outfall of this area; alternately this area can be treated as a pond. If the drainage report is to consider this area to be a pond then the pond elevations will surcharge the stormwater management basin. This backwater effect shall be included in the design calculations.
6. The inconsistency between available storage in the drainage calculations at elevation 123.0 shall be clarified. The forebay and micro pool calculations on Page 7 have a total area of 0.092 acres at elevation 123.0 and the Pocket Pond on Page 8 has an area of 0.1863 acres at elevation 123.0
7. The Pond Outlet Structure Detail on Drawing 5 of the Site Plan has two weirs at elevations 125.0 and 125.5; the drainage calculations have only one weir. The drainage calculations use a 4" opening for the low flow orifice; there is a 3" plate over the orifice. The Fixed Sediment Marker on this detail is at elevation 125.0; this shall be lowered to below the low flow opening. If the low flow opening is blocked by sediment than the intended routing will not occur.
8. The Maintenance Schedule for the stormwater management basin shall be included on the Site Plan.
9. Hydrographs for all subareas and design storms shall be included in the drainage report.
10. The reference to SDPES General Permit GP-0-10-001 shall be updated to reflect the current General Permit.

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

1. An updated review shall be done by the New York State Department of Transportation and all required permits obtained.
2. The comments in the May 7, 2015 letter from the Rockland County Department of Health must be met.
3. The Town shall be satisfied that all of the applicable provisions of the Route 303 Overlay Zone have been addressed, including the approval of the above ground detention basin.
4. There shall be no net increase in stormwater runoff from the site.
5. A stormwater pollution prevention plan (SWPPP) was not provided. The SWPPP, if required, shall conform to the current regulations, including the New York State Stormwater Management and Design Manual (January 2015) and local ordinances.
6. Water is a scarce resource in Rockland County; thus proper planning and phasing of this project are critical to supplying the current and future residents of the Towns, Villages and County with an adequate supply of water. The water system must be evaluated to determine if the additional water supply demands of the proposed development can be met. Domestic and fire demands of the project must be determined by a NYS Licensed Professional Engineer and provided to the supplier of the water for analysis. Demand calculations and results of the analysis must be provided to the Rockland County Department of Health for review.
7. An updated review shall be completed by the United States Army Corps of Engineers and all required permits obtained.
8. Prior to the start of construction or grading, a soil and erosion control plan shall be developed and in place for the entire site that meets the New York State Guidelines for Urban Erosion and Sediment Control.
9. In a letter dated May 29, 2012, the Rockland County Drainage Agency raised several concerns related to the impacts to the floodplain of the Sparkill Creek. Therefore, an updated review must be completed by the Rockland County Drainage Agency, and all required permits obtained.

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22. Rockland County Health Department (RCDOH) reviewed the plans and offered the following comments:

1. Plans now indicate that the Town of Orangetown will take ownership of the sanitary sewer. Sewer Extension approval will be required. If the sanitary sewer is to remain private, approval from RCDOH is still required.
2. Copy of the sewer study is to be submitted to RCDOH.
3. Application is to be made to the RCDOH for review of the stormwater management system for compliance with the County Mosquito Code.

23. The Town of Orangetown Fire Prevention Bureau had the following comments, which shall be placed on the Site Plan as notes:

In regard to the 10,640 square foot building with multiple tenants, the following is offered:

1. An NPPA 13 compliant Fire Sprinkler system inspected annually according to NFPA 25 shall be installed, with a 4" Storz connection and Orangetown code FDC sign.
2. Install and maintain an NFPA 72 compliant Fire Alarm System connected to Rockland County 44-Control with 2 copper dedicated phone lines and transmitted in contact ID Format, with Orangetown code amber and red strobes.
3. Any cooking facilities to be protected with an NFPA 96 compliant Class I vapor hood and UL 300 extinguishing system.
4. Install and maintain portable fire extinguishers as required by NFPA 10.
5. Show on Site Plan and maintain Fire Lane/Fire Zone signage and striping and show all signage and markings on the final approved Site Plan. Maintain striping and signage as required in the New York State Property Maintenance Code.
6. The Town of Orangetown Fire Prevention Bureau requires review and approval of the proposed fire sprinkler plan, Fire Department connection location and the fire alarm plans before construction begins.

24. Based upon Rockland County Drainage Agency (RCDA) evaluation of available mapping and information submitted, it has been determined that the proposed activity is outside the jurisdiction of the RCDA. Therefore, a permit from the RCDA pursuant to the Rockland County Stream Control Act, Chapter 846, is not required based upon its review of the information provided. However, the site appears to be located in close proximity to the 100 year floodplain of the Sparkill Creek, and may ultimately impact the floodplain of the Sparkill Creek, a County regulated stream. In that regard, and as an interested and involved agency pursuant to SEQRA and the RCDA offers the following comments:

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Continuation of Condition #24...

- (1) In accordance with section 6.1.3 of the New York State Stormwater Management Design Manual (NYSSMDM), a fixed vertical sediment depth marker should be installed in the forebay to measure sediment deposition over time. Please indicate a fixed vertical sediment depth marker in the forebay of the stormwater pond.
- (2) In accordance with section 6.1.6 of the NYSSMDM, the maintenance access should extend to the forebay, safety each, riser and outlet and be designed to allow vehicles to turn around. However, the project drawings do not indicate maintenance access to the outlet structure. Please review and revise the design as necessary.
- (3) In accordance with section 6.1.6 of the NYSSMDM, the low flow orifice should be adequately protected from clogging by either an acceptable external trash rack or by internal orifice protection that may allow for smaller diameters. However, the project drawings do not indicate the required orifice protection. Please review and revise the drawings as necessary to demonstrate that the low flow orifice would be adequately protected from clogging.
- (4) The "Drainage and Hydrology Report" indicates that the proposed pond is a Pocket Pond, P-5. Pocket Pond does not require a pond drain as the groundwater table is above the bottom of the pond. However, it shall have a permanent pool and therefore an aquatic bench. The drawings and details do not indicate that the pond has a permanent pool and an aquatic bench. The site grading and/ or the Report do not indicate that the ground water table is above the invert elevation of the proposed pond. In addition, a temporary sediment basin with invert elevation of 120, same as P-5 pond, is shown on the Erosion and Sediment Control Plan. Temporary sediment basins are not allowed at or below the water table to protect the groundwater. Please review and revise the pond type and design as necessary to indicate a pond drain that can completely or partially drain the pond, as per section 6.1.6 of the NYSSMDM, if the ground water table at the pond location is above the pond bottom elevation 120. Otherwise, please review and revise the Pocket Pond design to include the required wet pool and aquatic bench, as per NYSSMDM.

25. The New York State Department of Transportation (NYSDOT) has received a copy of the site plans last revised March 20, 2012 and hydraulic report dated April 2012 and associated SEQRA documentation. The drainage study is currently being reviewed. The site plans have been reviewed to ensure they meet standards and correspond to the design of the proposed NYSDOT project in the vicinity of the Route 3043 and Erie Street. Please review to the following comments:

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Continuation of Condition #25...

- (1) Both the existing and proposed direction of the adjacent stream is unclear.
- (2) There are discrepancies between the existing grades shown in the 1989 plans and those shown in the current plans. It will need to be verified that the drainage study is based on the original grade of the land as shown in the 1989 approved permit plans.
- (3) The roadside drainage south of the stream shall be maintained in a roadside grass swale and shall not be diverted toward the railroad tracks. All onsite drainage including the driveway shall be diverted to the retention basin.
- (4) The sidewalk shall be moved back toward the designed street line and shall continue north behind the turn around to the property line. This will allow for roadside drainage.
- (5) The curb radii shall be shown on the plans. As the proposed NYSDOT curbing may not be completed prior to the development of this property, a 6 foot tapered end section shall be shown on each side of the driveway curb. There shall be a 5 foot offset from the end of the curb to the property line.
- (6) The plans shall reference the nearest highway mile marker.
- (7) The neighboring driveway shall be shown on the plans.
- (8) The plans shall include details meeting NYSDOT standards for curb, curb end section, sidewalk and pavement.
- (9) The sidewalk detail shown on the plans has 4 inches of subbase. This shall be changed to 6 inches.

26. All proposed work within the New York State Department of Transportation (NYSDOT) right of way requires a Highway Work Permit (HWP). A detailed engineering review is necessary and required for insurance of a HWP. Please note that any proposed changes to the existing property plan, use, or traffic operations may necessitate an updated access configuration for the proposed project.

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

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31. 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.

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

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

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

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

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

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

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Override

The Board made a motion to override Condition #4 of the May 19, 2015 letter from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning:

4. An updated review shall be done by CSX Transportation for the drainage that is proposed to enter onto their right of way.

The Board held that the updated package of plans and information was provided to CSX Transportation for review, however, the agency did not respond.

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

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

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

Dated: June 10, 2015

Town of Orangetown Planning Board

Cheryl Coopersmith

TOWN OF ORANGETOWN
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TOWN CLERKS OFFICE

PB #15-29: Shaw Site Plan – Final Approval Subject to Conditions- Critical Environmental Area/ Neg. Dec.

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TO: Michael Shaw, 1111 Route 9W, Nyack, New York, 10960
FROM: Orangetown Planning Board

RE: Shaw Site Plan: The application of Michael Shaw, owner, for Prepreliminary/ Preliminary/ Final Site Plan Review, at a site to be known as “**Shaw Site Plan**”, located in the Critical Environmental Area, in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21A of the Code of the Town of Orangetown and to determine the environmental significance of the application pursuant to the requirements of the New York State Environmental Quality Review Act. The site is located at 1111 Route 9W, Nyack (Upper Grandview), Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 71.05, Block 2, Lot 20 in the R-22 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held, **Wednesday, June 10, 2015** at which time the Board made the following determinations:

William Pfaff appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated June 3, 2015.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated June 10, 2015.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated June 4, 2015.
4. A letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated May 30, 2015.
5. A letter from the Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning dated May 15, 2015.
6. Letters from the Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated May 7, 2015
7. A letter from the Rockland County Sewer District No.1, signed by Joseph LaFiandra, Engineer II, dated May 29, 2015.
8. A letter from the Town of Orangetown Zoning Board of Appeals signed by Patricia Castelli, dated May 6, 2015.
9. A letter from the Village of Grand View-on- Hudson, signed by Julie Pagliaroli, Village Clerk/Treasurer, dated May 20, 2015.

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10. A letter from the New York State Department of Transportation, signed by Joseph Taylor, MRP, Permit Engineer, NYSDOT, Rockland County Residency, dated June 10, 2015.

11. A Short Environmental Assessment Form, dated April 25, 2015, signed by John Atzl, PLS.

12. A copy of the Building Department Referral, dated April 6, 2015.

13. Site Plan - Drawing 1, prepared by Atzl, Nasher & Zigler, P.C., dated April 22, 2015.

14. Architectural Plans prepared by Pfaff Architects, dated April 27, 2015:

- PB.1: Floor Plans
- PB.2: Building Elevations

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

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

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After having identified the relevant areas of environmental concern, namely drainage, surface water runoff, land clearing, vegetation, fauna, traffic and noise levels, and after having taken a hard look at said environmental issues, and after having deliberated regarding such concerns, and having heard from the applicant, the applicant's professional representatives, namely Atzl, Nasher & Zigler and Pfaff Architects, 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 Sewer District No. 1, Rockland County Department of Health and having reviewed the Site Plan and Retaining Wall Plan, Details and Notes, a summary of the reasons supporting this determination are, and the Planning Board finds that the proposed action:

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

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On motion by Thomas Warren and seconded by Bruce Bond and carried as follows: Kevin Garvey, aye; Bruce Bond, aye; William Young, aye; Robert Dell, absent; Michael Mandel, aye; Stephen Sweeney, aye and Thomas Warren, 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 FINAL SITE PLAN APPROVAL SUBJECT TO THE FOLLOWING CONDITIONS:

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

2. The following note shall be placed on the Site Plan regarding Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.

3. As requested by the Village of Grand View-on-Hudson and agreed upon by the Planning Board, the illegal structure running from the applicant's property onto the Village of Grand View-on-Hudson's owned park shall be removed permanently.

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

5. The existing sanitary sewer house connection or septic system shall be shown on the Site Plan.

6. Erosion control measures shall be shown on the Site Plan.

7. Drainage Review Recommendation

The plans shows no increase in impervious areas and maintains the existing drainage patterns. The Planning Board's Drainage Consultant, Brooker Engineering, therefore recommends that the Shaw Site Plan be approved for drainage subject to the following comments.

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Continuation of Condition #7...

This is the first drainage review report to the Planning Board for this project. The project is located along the east side of Route 9W and contains an existing single family residence, circular driveway, and a patio and shed. There are steep slopes on the site and several retaining walls. The building addition is located outside the steep slope areas. The project consists of a 16' x 5 two story plus basement building addition, which is located outside the steep slope areas, and a new retaining wall and walkway. The addition is located over existing impervious areas and not new impervious areas are being added.

Project Comments

1. The Site Plan shall confirm that no new impervious areas are being proposed.
 2. The first floor and basement floor elevation of the addition shall be added to the Site Plan. Proposed spot grades shall be added at the corners of the addition and proposed contours shall be added that demonstrate runoff on the west and north sides of the building will be directed around the building. Top and bottom of wall elevations shall be added.
 3. The foundation drain shall be shown on the site plan.
 4. New impervious areas shall be shown on the plan. It appears the new building is being constructed over the existing porch and no new impervious areas are being added; this shall be verified on the site plan.
 5. The purpose of the drainage structure with the "2.5' concrete cap" shall be shown on the site plan; during the Consultant's site visit the structure was filled with concrete debris.
 6. Pipe inverts and locations of the existing on site drainage structures shall be shown on the Site Plan.
 7. A Sediment and Erosion Control Plan with details shall be prepared.
8. Rockland County Department of Planning had the following comments which are incorporated herein as conditions of approval:
1. A review shall be completed by the New York State Department of Transportation and all required permits obtained.
 2. The comments in the May 7, 2015 letter from the Rockland County Department of Health must be met.
 3. Prior to the start of construction or grading, a soil and erosion control plan shall be developed and in place for the entire site that meets the latest edition of the New York State Guidelines for Urban Erosion and Sediment Control.
 4. There shall be no net increase in the peak rate of discharge from the site at all design points.

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9. Based on the information provided, there are no Rockland County Health Department (RCDOH) approvals needed for this application. Should the Board require stormwater management to remediate the increase in impervious coverage, application is to be made to the RCDOH for review of the system for compliance with the County Mosquito Code.
10. 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.
11. The New York State Department of Transportation (NYSDOT) reviewed the subject project and found that there are no proposed improvements or construction within the New York State right of way. At this juncture, no permit is required from the NYSDOT and it is conceptually unopposed to the improvements beyond the Department's right of way.
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 §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.
13. 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 Sewer District No. 1
14. The applicant shall comply with all pertinent items in the Guide to the Preparation of Site Plans prior to signing the final plans.
15. All reviews and approvals from various governmental agencies must be obtained prior to stamping of the Site Plan.
16. 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.

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Continuation of Condition #16...

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.

17. 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.

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

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

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

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

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

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

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

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

Dated: June 10, 2015
Town of Orangetown Planning Board
attachment

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

**PB #15-29: Shaw Site Plan – Final Approval Subject to Conditions- Critical
Environmental Area/ Neg. Dec.
Town of Orangetown Planning Board Decision
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This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Regulation) of the Environmental Conservation Law.

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

**NAME OF ACTION: Shaw Site Plan – Final Approval Subject to Conditions-
Critical Environmental Area/ Neg. Dec.**

SEQR STATUS: Type I _____ Unlisted XXXXXX

CONDITIONED NEGATIVE DECLARATION: Yes _____ No XXXXXX

DESCRIPTION OF ACTION: Site Plan – Critical Environmental Area

LOCATION: The site is located at 1111 Route 9W, Nyack (Upper Grandview), Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 71.05, Block 2, Lot 20 in the R-22 zoning district.

REASONS SUPPORTING THIS DETERMINATION:

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

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

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

For Further Information contact:

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

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

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