

Meeting of June 11, 2014
Town of Orangetown Planning Board

MEMBERS PRESENT: Bruce Bond, Vice-Chairman (arrived 7:45 p.m.), John Foody; William Young; Michael Mandel; and Thomas Warren

MEMBERS ABSENT: Kevin Garvey, Chairman and Robert Dell

ALSO PRESENT: John Giardiello, Director, Department of Building, Zoning, Planning Administration and Enforcement; Dennis Michaels, Deputy Town Attorney; Ann Marie Ambrose, Stenographer and Cheryl Coopersmith, Chief Clerk

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

Continued Item from February 26, 2014:

BNM Properties Site Plan
Prepreliminary/ Preliminary/
Final Site Plan and SEQRA Review
76.08 / 1 / 6; LIO zoning district

PB #14 - 11
Preliminary Site Plan
Approval Subject
to Conditions/ Neg. Dec.

Continued Item from November 13, 2013:

The Saloon Site Plan
Prepreliminary/ Preliminary Site Plan
and SEQRA Review
68.16 / 1 / 9; CC zoning district

PB #13 - 45
Preliminary Site Plan
Approval Subject
to Conditions/ Neg. Dec.

New Items:

Lewis Avenue Subdivision Plan
Final Subdivision Review
68.12 / 1 / 51; RG zoning district

PB #14 - 26
Final Subdivision Approval
Subject to Conditions

Hillside Commercial Park Site Plan
Final Site Plan Review
68.11 / 3 / 39 & 40; LI zoning district

PB #14 - 27
Postponed to
June 25th Meeting

SMK Erie Subdivision Plan
Request for two 90 Day Extensions (180 days) **Granted**
to File the Subdivision Map
with the Rockland County Clerk's Office
70.13/1/21; R-15 zoning district

PB #14 - 28

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

Since there was no further business to come before the Board, a motion to adjourn the meeting was made by Bruce Bond and seconded by William Young and agreed to by all in attendance. The meeting was adjourned at 8:45 p.m. The next Planning Board meeting is scheduled for June 25, 2014.

DATED: June 11, 2014
Cheryl Coopersmith
Chief Clerk Boards and Commissions



TOWN CLERKS OFFICE
2014 JUN 30 PM 1 58
TOWN OF ORANGETOWN

TOWN CLERKS OFFICE
2014 JUN 30 PM 9 33
TOWN OF ORANGETOWN

91

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Town of Orangetown Planning Board

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PB #14 - 11

**Preliminary Site Plan
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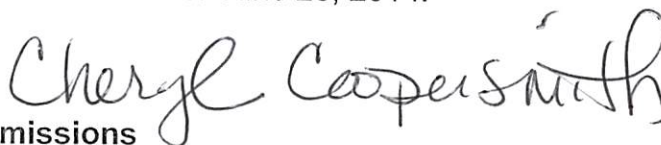
PB #14 - 27

**Postponed to
June 25th Meeting**

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DATED: June 11, 2014
Cheryl Coopersmith
Chief Clerk Boards and Commissions



TOWN OF ORANGETOWN
2014 JUN 26 PM 4 53
TOWN CLERKS OFFICE

**PB #14-11: BNM Properties Site Plan: Preliminary Site Plan Approval
Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision
June 11, 2014
Page 1 of 11**

TO: John Piccininni, 37 Ramland Road, Orangeburg, New York
FROM: Orangetown Planning Board

RE: BNM Properties Site Plan: The application of John Piccininni, applicant, for BNM Properties, owner, for Prepreliminary/ Preliminary Site Plan Review, at a site known as **"BNM Properties Site Plan"**, in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21A of the Code of the Town of Orangetown and to determine the environmental significance of the application pursuant to the requirements of the New York State Environmental Quality Review Act. The site is located at 37 Ramland Road, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 76.08, Block 1, Lot 6 in the LIO zoning district.

Heard by the Planning Board of the Town of Orangetown at meetings held **Wednesday, February 26, May 28, and June 11, 2014**, the Board made the following determinations:

February 26, 2014

John Piccininni, Richard Piccininni and Kathleen Hennessy appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated February 19, 2014.
2. An Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated February 26, 2014.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated February 21, 2014.
4. A letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated February 3, 2014.
5. Letters from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated January 24, 2014.
6. A letter from the Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer II, dated January 31, 2014.
7. A letter from the Town of Orangetown Zoning Board of Appeals, signed by Dan Sullivan, Chairman, dated January 22, 2014.
8. A copy of the Short Environmental Assessment Form, signed by John Piccininni dated January 13, 2014.
9. Plans prepared, signed and sealed by Hennessy Design Consultants, dated December 1, 2013:
 - A0.00: Cover Sheet
 - A1.00: Site Plan
 - A1.01: Floor Plans
 - A3.01: Elevations
 - A6.01: Details

TOWN CLERKS OFFICE
2014 JUN 27 PM 1 53
TOWN OF ORANGETOWN

**PB #14-11: BNM Properties Site Plan: Preliminary Site Plan Approval
Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision
June 11, 2014
Page 2 of 11**

The Board reviewed the plans.

The applicant requested a **CONTINUATION**.

May 28, 2014

John Piccininni appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated May 21, 2014.
2. An Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated May 28, 2014.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated May 21, 2014.
4. A letter from the Rockland County Department of Highways signed by Sonny Lin, P.E., dated February 27, 2014.
5. An Interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by Michael Bettmann, Chief Fire Prevention Inspector, dated May 12, 2014.
6. Plans prepared, signed and sealed by Hennessy Design Consultants, dated April 1, 2014, unless noted:
 - A0.00: Cover Sheet dated December 1, 2013
 - A1.00: Site Plan
 - A1.01: Floor Plans
 - A3.01: Elevations
 - A6.01: Details

The Board reviewed the plans.

The applicant requested a **CONTINUATION**.

June 11, 2014

John Piccininni and Kathleen Hennessy appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated June 4, 2014.
2. An Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated June 11, 2014.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated June 5, 2014.
4. A letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated May 27, 2014.

TOWN CLERKS OFFICE

2014 JUN 27 PM 1 53

TOWN OF ORANGETOWN

**PB #14-11: BNM Properties Site Plan: Preliminary Site Plan Approval
Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision
June 11, 2014
Page 3 of 11**

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

SEQRA

The proposed action is classified as an “unlisted action” as defined by Section 617.2 (ak) of the New York State Environmental Quality Review Regulations (SEQRR). No agency, other than the Orangetown Planning Board will have any significant involvement in the review process, pursuant to Section 617.6 of SEQRA. On motion by Thomas Warren and seconded by John Foody and carried as follows: William Young, aye; Kevin Garvey, absent, Thomas Warren, aye, Robert Dell, absent; Bruce Bond, aye; Michael Mandel, aye and John Foody, 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 Hennessy Design Consultants, 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, Bureau of Fire Prevention, and having heard from the following involved and interested agencies: Town of Orangetown Zoning Board of Appeals, Rockland County Department of Health, Rockland County Sewer District #1, Rockland County Department of Highways, and having reviewed a proposed Subdivision Plan by prepared by Hennessy Design Consultants, a summary of the reasons supporting this determination are, and the Planning Board finds that the proposed action:

TOWN CLERKS OFFICE
2014 JUN 27 PM 1 53
TOWN OF ORANGETOWN

**PB #14-11: BNM Properties Site Plan: Preliminary Site Plan Approval
Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision
June 11, 2014
Page 4 of 11**

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

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

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

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

TOWN CLERKS OFFICE
2014 JUN 27 PM 1 53
TOWN OF ORANGETOWN

**PB #14-11: BNM Properties Site Plan: Preliminary Site Plan Approval
Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision
June 11, 2014
Page 5 of 11**

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. This property received a commercial subdivision for 4 units in the existing building. The proposed plans indicate a total of 8 units being proposed. A commercial subdivision will need to be obtained.

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

Upon dedication of the street and 60 foot right of way to the Town, the property will be considered a corner lot and therefore would have two front yards, one side and one rear yard. Based on the lot configuration:

- a) The required Front Yard Setback is 100 feet and 17.5 feet is proposed after dedication of the street right of way on the west side of the property.
- b) The required Front Yard Setback is 100 feet and 30 feet is proposed after dedication of the street right of way on the south side of the property.
- c) The required Side Yard is 100 feet and 54.1 feet is existing.
- d) The Height allowed is 4.375 feet, based on 3 inches/ foot from the property line or $3" \times 17.5' = 4.375$ feet and 35.5 feet is proposed.
- e) The number of loading docks required is 5 and 4 loading docks are proposed. $(78,495 \text{ square feet} - 10,000 \text{ square feet (1 dock)}) = 68,495/20,000 = 3.4$ (4 docks), therefore $1 + 4 = 5$ loading docks required).
- f) The total number of required parking spaces shall be 145 spaces based on the total office and factory values provided. Using the square footage of 27,178 for office and dividing by 200 then 136 spaces are required for the office uses and 9 spaces for the 1 per 2 employees as indicated for factory. Only 90 parking spaces are provided as indicated on the plan.

5. Provide the actual turning radius for trucks entering the loading area.

6. Provide details of the retaining walls, such as height, type, etc...

7. All existing and/ or proposed utilities shall be shown and labeled on the plan.

8. The Site Plan shall clearly show and distinguish both the existing and proposed grading.

TOWN OF ORANGETOWN
2014 JUN 27 PM 1 53
TOWN CLERKS OFFICE

**PB #14-11: BNM Properties Site Plan: Preliminary Site Plan Approval
Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision
June 11, 2014
Page 6 of 11**

9. Drainage calculations, prepared and sealed by a New York State Licensed Professional Engineer, shall be submitted to DEME for review and approval. Also, the applicant’s engineer shall design onsite storage to achieve a zero increase in runoff from the proposed site.

10. A SWPPP may be required for this Site Plan, depending on the size of the total disturbance.

11. Soil erosion and sediment control plans and details shall be submitted to DEME for review and approval.

12. A post construction stormwater 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.

13. The metes and bounds of the proposed right of way for Ramland Road South shall be shown on the drawings.

14. If it is the applicant’s intention to dedicate the portion of Ramland Road South that currently runs though the applicant’s property, the applicant shall submit a deed with schedule “A” describing the metes and bounds of the proposed dedication to DEME and the Town Attorney’s Office for review and approval.

15. The applicant is reminded that some types of business may require a pretreatment facility on site and a permit from DEME. The design of such facilities must be reviewed and approved by DEME prior to any construction.

16. All existing easements/ dedications shall be shown on the plan, including page and liber or instrument number and ownership.

17. The datum for the contours shall be given. Also, a note shall be added to the Site Plan indicating the source benchmark for the referenced datum, including the BM elevation.

18. Drainage Review Recommendation: The application has provided underground stormwater detention units to mitigate potential significant adverse impacts with respect to drainage and the Drainage Consultant, Brooker Engineering, therefore recommends that BNM Properties, LLC Site Plan be approved for drainage subject to the following comments.

TOWN CLERKS OFFICE
2014 JUN 27 PM 1 53
TOWN OF ORANGETOWN

**PB #14-11: BNM Properties Site Plan: Preliminary Site Plan Approval
Subject to Conditions/ Neg. Dec.**

Town of Orangetown Planning Board Decision
June 11, 2014
Page 7 of 11

Continuation of Condition #18....

Project Description

This is the second first drainage review report to the Planning Board for this project. The property is located on the east side of Ramland Road and has a moderate westerly downhill slope. The site contains an existing LIO building and associated parking. A 158' x 70' building addition is proposed along the west side of the building; this is located in an area with grass ground cover. New parking is proposed along an existing driving lane on the north side of the building; this is located along a wooded area. Approximately 20,000 square feet of impervious area is being added. For this revised submission, 680 feet of 58" wide by 30.5" high underground detention units are proposed to provide mitigation for increases in stormwater runoff.

Project Comments

1. It appears approximately 20,000 square feet of new impervious area is being added to the Site. Drainage calculations shall be provided that includes stormwater management facilities that will mitigate post-construction increases in stormwater runoff due to additional impervious areas and changes to ground cover. The calculations shall clearly show drainage sub basins that are intended to be diverted to each stormwater detention area.
2. The total land disturbance shall be provided on the Site Plan. Land disturbances greater than one acre requires post construction stormwater quality and quantity mitigation and a full Stormwater Pollution Prevention Plan (SWPPP) in accordance with NYSDEC requirements.
3. Proposed grading along the new row of parking along the north property line shall be provided. Spot grades along the curb should be added to show the directions of stormwater runoff. The existing conditions topography in this area shall be verified; it appeared during our site visit that a wooded embankment several feet high exists along the row of new parking. Construction of this parking would require excavation and possibly retaining walls along the property line. It shall be demonstrated that the plan is feasible to construct without requiring grading off the property. Alternately, a construction easement from the neighbor may be obtained.
4. The building addition on the Site Plan shall label the proposed first floor elevation and potential basement elevation. If no basement is proposed, this should be noted. The door at the west side of the addition is at elevation 92 and the existing grade at this area is approximately elevation 84. Proposed grading and contours shall be provided along the sidewalk at the new west door to show how the entrance will reach existing grade. This may include fill or a retaining wall. This sidewalk provides access for the new handicap parking spots; therefore this sidewalk should be graded to allow construction of an ADA compliant sidewalk.

TOWN CLERKS OFFICE

2014 JUN 27 PM 1 53

TOWN OF ORANGETOWN

**PB #14-11: BNM Properties Site Plan: Preliminary Site Plan Approval
Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision
June 11, 2014
Page 8 of 11**

Continuation of Condition #18....

5. Spot grades and proposed contours shall be added at the new curb lines for the four new parking spaces near the north face of the building addition.
6. An Anti-Tracking Pavement Pad shall be added to the Erosion Control Plan.
7. The proposed location of the underground detention units at the southwest corner of the building conflict with the location of an existing storm drainage pipe shall be rerouted.
8. A note at Stormwater Recharger Bed #4 states, "Direct all roof drainage to this recharger bed." It shall be clarified if the stormwater design intention is for the proposed roof only to be discharged to this recharger bed.
9. The Site Plans shall be prepared at a standard engineering scale.
10. A maintenance plan for the detention system shall be added to the site plan. A general detail has been provided for the cultech units; specific details showing plan and profile views at each "Recharger Location" with the number of units, dimensions, and elevations shall be provided.
11. The North Elevation on Drawing A3.01 shows the door along this side of the building at a finished floor elevation of 88.0, which conflicts with the first floor elevation of 92.0 shown at other locations on the plans. The finished first floor elevations shall be shown on the Site Plans.

19. The Rockland County Department of Health reviewed and found that should the Board require stormwater remediation for the increase in impervious coverage, application is to be made to the Rockland County Department of Health for review of the stormwater management system for compliance with the County Mosquito Code.

20. 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.

TOWN CLERKS OFFICE

2014 JUN 27 PM 1 53

TOWN OF ORANGETOWN

**PB #14-11: BNM Properties Site Plan: Preliminary Site Plan Approval
Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision
June 11, 2014
Page 9 of 11**

21. The Rockland County Department of Highways reviewed the submitted information and requested that the applicant submit a statement to demonstrate the impacts from putting a building addition and associated parking spaces are minimal. Otherwise, the Rockland County Department of Highways found that the proposed action should have a minimum adverse impact upon county roads in the area.

22. The Town of Orangetown Bureau of Fire Prevention reviewed the information and offered the following comments:

- Extend the Fire Sprinkler System and design to protect the hazard of the use.
- Upgrade the entire Fire Alarm system to transmit in Contact ID Format as per NFPA72.
- Add Emergency lighting as per NEC.
- Add Portable Fire Extinguishers as required.
- Each or any new tenant must apply for and maintain a Certificate of Compliance Fire Safety with the Bureau of Fire Prevention.

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

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

25. 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.

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

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

TOWN OF ORANGETOWN
2014 JUN 27 PM 1 53
TOWN CLERKS OFFICE

**PB #14-11: BNM Properties Site Plan: Preliminary Site Plan Approval
Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision
June 11, 2014
Page 10 of 11**

27. 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.

28. 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.

29. 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.

TOWN CLERKS OFFICE

2014 JUN 27 PM 1 53

TOWN OF ORANGETOWN

**PB #14-11: BNM Properties Site Plan: Preliminary Site Plan Approval
Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision
June 11, 2014
Page 11 of 11**

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

31. 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).

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

33. 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

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

A motion was made to exempt the applicant from review by the Town of Orangetown Architecture and Community Appearance Board of Review for the building addition, since the applicant stated that the colors of the building addition would be the same as on the existing structure. A motion was made and moved by Thomas Warren and seconded by William Young and carried as follows: Bruce Bond, aye; Michael Mandel, aye; William Young, aye; John Foody, aye; Robert Dell, absent; Thomas Warren, aye and Kevin Garvey, absent.

The foregoing Resolution was made and moved by Michael Mandel and seconded by Thomas Warren and carried as follows: William Young, aye; Kevin Garvey, absent, Thomas Warren, aye, Robert Dell, absent; Bruce Bond, aye; Michael Mandel, aye and John Foody, 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 11, 2014
Cheryl Coopersmith
Chief Clerk Boards and Commissions
attachment



TOWN CLERKS OFFICE

2014 JUN 27 PM 1 53

TOWN OF ORANGETOWN

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

PB #14-11: BNM Properties Site Plan: Preliminary Site Plan Approval
Subject to Conditions/ Neg. Dec.

Town of Orangetown Planning Board Decision
June 11, 2014

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: BNM Properties Site Plan: Preliminary Site Plan
Approval Subject to Conditions/ Neg. Dec.

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

DESCRIPTION OF ACTION: Site Plan

LOCATION: The site is located at 37 Ramland Road, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 76.08, Block 1, Lot 6 in the LIO zoning district.

REASONS SUPPORTING THIS DETERMINATION:
The Orangetown Planning Board, as Lead Agency, determined that the proposed action will not have a significant impact on the environment and a Draft Environmental Impact Statement (DEIS) will not be prepared. The reasons supporting this determination are as follows:
The project will not have a significant impact upon the environment and a DEIS need not be prepared because the proposed action does not significantly affect air quality, surface or ground water quality, noise levels or existing external traffic patterns. In addition, it will have no impact upon the aesthetic, agricultural or cultural resources of the neighborhood. No vegetation, fauna or wildlife species will be affected as a result of this proposed development. The proposed action is consistent with the Town of Orangetown's Master Plan and will not have any adverse economic or social impacts upon the Town or its businesses or residences.

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

For Further Information contact:
John Giardiello, P.E., Director, Office of Building, Zoning and Planning Administration and Enforcement; Town of Orangetown; 20 Greenbush Road Orangeburg, NY 10962; Telephone Number: 845-359-5100
For Type I Actions and Conditioned Negative Declarations, a copy of this notice is sent: - Commissioner, New York State Department of Environmental Conservation, - Region 3 Headquarters, NYSDEC, - Town Supervisor, Applicant - Involved Agencies

TOWN CLERKS OFFICE
2014 JUN 27 PM 1 53
TOWN OF ORANGETOWN

PB #13-45: The Saloon Site Plan– Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec.

Town of Orangetown Planning Board Decision

June 11, 2014

Page 1 of 13

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

RE: The Saloon Site Plan: The application of Bridget Killen, owner, for Prepreliminary/ Preliminary Site Plan Review at a site known as **“The Saloon Site Plan”**, in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21A of the Code of the Town of Orangetown and to determine the environmental significance of the application pursuant to the requirements of the New York State Environmental Quality Review Act. The site is located at 45 – 49 West Central Avenue, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 68.16, Block 1, Lot 9 in the CC zoning district.

Heard by the Planning Board of the Town of Orangetown at meetings held **Wednesday, November 13, 2013 and June 11, 2014**, the Board made the following determinations:

November 13, 2013

Donald Brenner and Bridget Killen appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated November 6, 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 November 13, 2013.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated November 7, 2013.
4. A letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated November 5, 2013.
5. A letter from the Rockland County Department of Planning, signed by Thomas Vanderbeek, Commissioner of Planning, dated November 1, 2013.
6. A letter from the Rockland county Department of Highways, signed by Joseph Arena, Senior Engineering Technician, dated November 12, 2013.
7. Letters from the Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated October 16, 2013.
8. A letter from the Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer II, dated November 5, 2013.
9. An interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by Michael Bettmann, Chief, dated November 4, 2013.
10. An interdepartmental memorandum from the Traffic Advisory Board, Town of Orangetown, signed by Guy DeVincenzo, dated November 6, 2013.

TOWN CLERKS OFFICE

2014 JUN 27 PM 1 54

TOWN OF ORANGETOWN

PB #13-45: The Saloon Site Plan– Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec.

Town of Orangetown Planning Board Decision

June 11, 2014

Page 2 of 13

11. A letter from the State of New York Department of Transportation, signed by Mary Jo Russo, P.E., Rockland County Permit Engineer, dated November 1, 2013.
12. A letter from the Town of Orangetown Zoning Board of Appeals, signed by Daniel W. Sullivan, dated November 65, 2013.
13. A Short Environmental Assessment Form, signed by Bridget Killen, dated October 4, 2013.
14. A Site Plan prepared by Barbara Marks, R.A., dated September 27, 2013
15. Copy of Building Permit Referral, dated August 29, 2013.
16. A letter signed by Donald Brenner, dated October 10, 2013.

The Board reviewed the plan.

The applicant requested a **CONTINUATION**.

June 11, 2014

Donald Brenner, Barbara Marks, Sarah Torrens and Bridget Killen appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated June 4, 2014.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated June 11, 2014.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated June 5, 2014.
4. Letters from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated June 3 and 11, 2014.
5. A letter from the Rockland County Department of Planning, signed by Thomas Vanderbeek, Commissioner of Planning, dated April 29, 2014.
6. A letter from the Rockland county Department of Highways, signed by Sonny Lin, P.E., dated May 14, 2014.
7. A letter from the Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated April 14, 2014.
8. A letter from the Rockland County Drainage Agency, signed by Vincent Altieri, Executive Director, dated November 1, 2013.
9. An interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by Michael Bettmann, Chief, dated April 28, 2014.
10. A letter from the State of New York Department of Transportation, signed by Mary Jo Russo, P.E., Rockland County Permit Engineer, dated May 14, 2014.

TOWN CLERKS OFFICE

2014 JUN 27 PM 1 54

TOWN OF ORANGETOWN

PB #13-45: The Saloon Site Plan– Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec.

Town of Orangetown Planning Board Decision

June 11, 2014

Page 3 of 13

11. Site Plans prepared by Leonard Jackson Associates, dated March 17, 2014:

Drawing 1: Title Sheet

Drawing 2: Layout Plan

12. Information Drawings:

- Survey Map prepared by Robert Rahnefeld, PLS, dated January 21, 2008, revised January 29, 2008
- Survey Map prepared by Robert Rahnefeld, PLS, dated December 29, 1989, revised June 20, 1991

13. Plans prepared by Barbara Marks, R.A., dated March 26, 2014:

BDO: Notes, Zoning and Plot Plan

BD1: Exist/Demo Basement, 1st, 2nd & Roof Plans

BD2: Proposed 1st, 2nd Floor Plans

BD3: Proposed Roof Plan

BD4: Proposed Exterior Elevations

14. Submitted at the meeting, Site Plans prepared by Leonard Jackson

Associates, dated March 17, 2014, revised June 4, 2014:

Drawing 1: Title Sheet

Drawing 2: Layout Plan

15. Submitted at the meeting, Plans prepared by Barbara Marks, R.A., dated March 26, 2014, revised as noted:

BDO: Notes, Zoning and Plot Plan revised June 4, 2014

BD1: Exist/Demo Basement, 1st, 2nd & Roof Plans

BD2: Proposed 1st, 2nd Floor Plans

BD3: Proposed Roof Plan

BD4: Proposed Exterior Elevations revised June 4, 2014

The Board reviewed the plan.

The hearing was then opened to the Public. There being no one to be heard from the Public, a motion was made to close the Public Hearing portion of the meeting by Michael Mandel and seconded by William Young and carried as follows:

Bruce Bond, aye; Michael Mandel, aye; William Young, aye; Robert Dell, absent; John Foody, aye; Thomas Warren, aye and Kevin Garvey, absent.

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 Thomas Warren and seconded by John Foody and carried as follows: Kevin Garvey, absent; Bruce Bond, aye; William Young, aye; Robert Dell, absent; John Foody, 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.

2014 JUN 27 PM 1 54

TOWN OF ORANGETOWN

PB #13-45: The Saloon Site Plan– Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec.

Town of Orangetown Planning Board Decision

June 11, 2014

Page 4 of 13

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 Barbara Marks, R. A. and Leonard Jackson Associates, 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, Bureau of Fire Prevention, Traffic Advisory Board; 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 Barbara Marks, R.A., a summary of the reasons supporting this determination are, and the Planning Board finds that the proposed action:

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

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

TOWN CLERKS OFFICE

2014 JUN 27 PM 1 54

TOWN OF ORANGETOWN

PB #13-45: The Saloon Site Plan– Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec.

**Town of Orangetown Planning Board Decision
June 11, 2014
Page 5 of 13**

DECISION: In view of the foregoing and the testimony before the Board, the application was Granted a Preliminary Site Plan Approval Subject to the Following Conditions:

- 1. The following note shall be placed on the Site Plan: “At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a Pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a Meeting”.
- 2. 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. A new Environmental Assessment Form needs to be submitted.
- 4. A floodplain development permit shall be submitted in accordance with Local Law 1, 2014, Chapter 14B, “Flood Damage Prevention”.
- 5. The Site Plan and Architectural Plans shall be reviewed by the Town of Orangetown Architecture and Community Appearance Board of Review.
- 6. Elevation views of the building shall be provided to accurately depict the new construction. Please provide heights and elevations of the structures and type of construction. At the Project Review Committee Meeting, the applicant’s consultants indicated the “extensions” were on piers, however, no such drawings have been submitted. Please clarify.

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

Variance	Required	Proposed	Allowed	Existing
Maximum Floor Area Ratio		0.77	0.30	0.57
Minimum Side Yard	12 feet	5.2 feet		6.7 feet
Maximum Height	22 feet	31.7 feet		

Please be advised that these may not be all the variances required since parking calculations and a floodplain development permit have not been submitted for review.

TOWN OF ORANGETOWN
2014 JUN 27 PM 1 54
TOWN CLERKS OFFICE

PB #13-45: The Saloon Site Plan– Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec.

Town of Orangetown Planning Board Decision

June 11, 2014

Page 6 of 13

8. The Site Plan shall show the traffic movement and onsite parking spaces. Currently several vehicles park at the rear of the building. The site parking requirements shall be shown on the plan and all parking spaces shall be labeled.

9. The dumpster location shall be shown on the Site Plan.

10. The sheds are accessory structures and require a separate building permit. Please disclose on the Site Plan the use of the sheds. Accessory structures shall conform to the bulk regulations of the CC district. See Section 5.153 of Chapter 43 "zoning" code of the Town of Orangetown.

11. The applicant's engineer shall submit documentation (i.e. narrative description, calculations, etc.) as to why stormwater controls/ SWPPP are not required for the proposed addition.

12. The existing sanitary sewer building connection shall be shown on the plan.

13. Drainage Review Recommendation

The application has provided sufficient information to demonstrate potential significant adverse impacts to drainage can be mitigated. The Planning Board's Drainage Consultant therefore recommends that the Saloon Site Plan be approved for drainage subject to the following comments.

Project Description

This is the Drainage Consultant's third drainage review report to the Planning Board for this project; the last review was dated June 3, 2013. The property is located on the north side of West Central Avenue, just west of the Muddy Creek culvert under West Central Avenue. The project entails a 4,127 square feet two-story addition to an existing 7,944 square feet commercial building. The lot is almost completely impervious from the existing building and pavement; the proposed building addition is over lands that are already impervious. The property is located in the 100-year FEMA floodplain of the Muddy Brook (elevation 221.66 NAVD), which is also under the jurisdiction of the Rockland County Drainage Agency.

Review of Additional Information

The applicant's engineer has indicated that the proposed drainage pattern will remain. As per the June 5, 2014 letter from Leonard Jackson Associates, the parking lot is not proposed to be repaved. If the parking lot is to be repaved in the future, a grading and drainage plan shall be prepared and reviewed by the

TOWN OF ORANGETOWN
2014 JUN 27 PM 1 54
TOWN CLERKS OFFICE

PB #13-45: The Saloon Site Plan– Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec.

**Town of Orangetown Planning Board Decision
June 11, 2014
Page 7 of 13**

Continuation of condition #13....

Planning Board that shows the proposed drainage pattern. Given the flat site and existing off-site buildings on the west, a new overlay pavement course may adversely impact the off-site buildings to the west if not properly designed. The building addition is constructed on piers and has an open foundation covered with lattice. This is indicated on the Site Plan, elevation certificate, and architectural drawing BD4. The proposed lattice covering the openings shall be constructed as per the architectural not, which requires it to be open at the bottom and allow stormwater runoff to flow underneath. As per the engineer's description, the stormwater runoff will continue to follow the easterly drainage pattern and will not adversely impact the off-site building to the west. Previous alternatives for proposed parking lot modifications have been removed from the current submission.

Project Comments

1) As per the drainage consultant's June 3, 2014 report and the November 5, 2013 report, the applicant shall demonstrate if the project meets the definition of a "substantial improvement", which may require flood proofing of the existing building. The applicant shall address the provisions of Chapter 14B, "Flood Damage Prevention" of the Orangetown Code. The applicant's engineer had indicated that the project does not meet the threshold of a substantial improvement; however, documentation shall be provided to support this to the satisfaction of the Floodplain Administrator.

2) As per the consultant's previous requests, an elevation certificate for the existing building with the proposed addition has been provided. However, the BFE in Part B9 shall be in NAVD datum as per the Rockland County FIS. The elevation information in Part C shall be converted to NAVD datum. The conversion between NAVD and NGVD and source of the Part C elevation information shall be provided in the Comments section. A description of the "type of equipment and location" (Part C2-e) shall be entered in the Comments section.

14. 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 Rockland County Department of Highways and all any required permits obtained.

2) A review shall be completed by the New York State Department of Transportation and all required permits obtained.

3) An updated review must be completed by the Rockland County Drainage Agency.

4) The comments in the April 14, 2014 letter from the Rockland County Department of Health must be met.

TOWN OF ORANGETOWN
2014 JUN 27 PM 1 54
TOWN CLERKS OFFICE

PB #13-45: The Saloon Site Plan– Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec.

Town of Orangetown Planning Board Decision

June 11, 2014

Page 8 of 13

Continuation of condition #14....

- 5) Two development scenarios are provided, both utilizing the adjacent parcel, Tax Lot 68.16-1-4.1, to provide parking access to the site. A cross access easement must be obtained from the owner of this parcel before the parking lot on Tax Lot 68.16-1-7 can be utilized as configured, and access to the rear of the subject parcel can occur.
 - 6) Scenario B shows circulation movement in the rear of the site. An arrow facing south seems to be in error, as there is no place for a vehicle to turnaround in the access coming off of West Central Avenue, and the plan shows that this access is one way, going the other direction. This arrow must be removed.
 - 7) It is not clear in Scenario A what is intended in the rear of the site. If the parking lot encroachment from Tax Lot 68.16-1-4.1 is not corrected, and vehicles continue to park right up to the encroachment line, is there sufficient room for vehicles to access the rear from NYS Route 303? The access from Route 303 is only 5 feet wide, without encroaching into Tax Lot 68.16-1-8. Is parking proposed in the rear? The aerial photography shows that vehicles currently park in the rear. How do they currently get access – from West Central Avenue? Where will delivery vehicles park in Scenario A? Is the access off of West Central Avenue on way? If not, explain how cars exiting the site avoid conflicts with those entering the site. More details information must be provide about the intended use of the rear yard, access issues, and parking availability in Scenario A.
 - 8) A map date must be added to the plans prepared by Barbara Marks, Architect.
- 15. The Rockland County Department of Highways reviewed the information and plans and provided the following comments:**
- 1) The zero net increase in the peak rate of discharge for storm water from all design points within this project shall be demonstrated.
 - 2) While Rockland County Highway would favor a design that would provide maximum available parking; it remands the decision of parking issue to the Town's determination.
 - 3) A traffic statement shall be provided by the designer to state that the adverse impact on the county roads will be at a minimum.
 - 4) A Rockland County Highway Department Work Permit will be required for the proposed development prior to any construction on site.

TOWN OF ORANGETOWN
2014 JUN 27 PM 1 54
TOWN CLERKS OFFICE

PB #13-45: The Saloon Site Plan– Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec.

Town of Orangetown Planning Board Decision

June 11, 2014

Page 9 of 13

Continuation of condition #15....

5) Separate additional Rockland County Road Opening Permit will be required for any sewer or utility connections that will involve disruption to the paved surface within any county road.

16. Should the Board require stormwater management on proposed lot #2, 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.

17. Based upon Rockland County Drainage Agency (RCDA) evaluation of available mapping and information submitted, the site has been determined to be within the jurisdiction of the RCDA. The previous proposal was for improvements within the envelope of the existing structure and therefore a permit was not requested. However, the current proposal is for the second floor development and building expansion. Therefore, a permit from the RCDA pursuant to the Rockland County Stream Control Act is required. Please have the applicant submit an application to RCDA immediately.

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

19. The Town of Orangetown Bureau of Fire Prevention had the following comments which are incorporated herein as conditions of approval:

- Plot Plan B is favored, with the exception that the driveway from NYS Route 304 be widened to 20 feet from Route 304 to the concrete retaining wall adjacent to the creek.
- All driveway areas other than designated parking spaces shall be dedicated fire lanes with striping and signs indication such.
- Decrease the size of the curb area around parking spaces 11-14.
- Using the supplied occupancy calculations, there is a total of 179 persons on the 2nd floor and 120 on the roof; this is a large number to have exiting into the alley ways. There needs to be clear egress from the rear of the building, allowing occupants to evacuate the area. In addition, will these spaces be used during Parades, (Thanksgiving eve, etc., these are traditionally busy days and overcrowding has been an issue).

TOWN OF ORANGETOWN
2014 JUN 27 PM 1 54
TOWN CLERKS OFFICE

PB #13-45: The Saloon Site Plan-- Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec.

Town of Orangetown Planning Board Decision

June 11, 2014

Page 10 of 13

Continuation of condition #19....

- Sprinkler drawings, fire alarm drawings and construction plans shall be provided for review and approval.
- There is a generator shown on the drawing, clarify if this generator is proposed or presently in place.

20. The Town of Orangetown Traffic Advisory Board had the following comments:

- Driveways to corner lots should be located as far away from the intersection as practical.
- Show how this parking configuration conflicts with traffic on streets or neighboring properties.
- Does the new parking lot ingress impede with right of way on public road or on-site such as shelters, benches, bus stops and similar structure.
- Site Plan and parking plan should indicate the path of the storm water drainage.
- There are no building corners or landscape set backs on the plan.
- Will the new parking facility have night lighting?
- Will parking be restricted to the restaurant use or will it be jointly used.
- Driveways are usually prohibited within the passenger waiting area of bus stops.
- Do Town Codes require 10 parking spaces per 100 sq.?
- The plans need the following dimensions: New driveways, off street parking spaces, perimeter curbing, transitional buffer and locations of parking lights.

21. The New York State Department of Transportation (NYSDOT) reviewed the information submitted and had the following comments:

- The proposed driveways appear to be within the area purchased by the NYSDOT under Contract FARC 66-13 under Map 57/ Parcel 76, Map 58/ Parcel 77 and Map 59/ Parcel 78. The land was purchased with the agreement that access is not available through the purchased property. Therefore these entrances will not be approved.

TOWN CLERKS OFFICE
2014 JUN 27 PM 1 54
TOWN OF ORANGETOWN

PB #13-45: The Saloon Site Plan-- Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec.

**Town of Orangetown Planning Board Decision
June 11, 2014
Page 11 of 13**

22. 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 Highways
- Rockland County Department of Health
- New York State Department of Transportation
- Rockland County Sewer District No. 1

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

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

25. TREE PROTECTION: The following note shall be placed on the site plan: The Tree Protection and Preservation Guidelines adopted pursuant to Section 21-24 of the Land Development Regulations of the Town of Orangetown will be implemented in order to protect and preserve both individual specimen trees and buffer area with many trees. Steps that will be taken to 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 ¾ inch of plywood or boards, or equal over the area to be protected.

TOWN OF ORANGETOWN
2014 JUN 27 PM 1 54
TOWN CLERKS OFFICE

PB #13-45: The Saloon Site Plan– Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec.

Town of Orangetown Planning Board Decision

June 11, 2014

Page 12 of 13

Continuation of condition #25...

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

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

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

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

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

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

TOWN CLERKS OFFICE
2014 JUN 27 PM 1 54
TOWN OF ORANGETOWN

PB #13-45: The Saloon Site Plan– Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec.

Town of Orangetown Planning Board Decision

June 11, 2014

Page 13 of 13

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

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

33. 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.

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

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

Dated: June 11, 2014

Cheryl Coopersmith

Chief Clerk Boards and Commissions

Attachment



TOWN OF ORANGETOWN
2014 JUN 27 PM 1 54
TOWN CLERKS OFFICE

State Environmental Quality Review Regulations
NEGATIVE DECLARATION
Notice of Determination of Non-Significance
Town of Orangetown Planning Board Decision
June 11, 2014

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: The Saloon Site Plan– Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec.

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

DESCRIPTION OF ACTION: Site Plan Review

LOCATION: The site is located at 45-49 West Central Avenue, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 68.16, Block 1, Lot 9 in the CC 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 OF ORANGETOWN
2014 JUN 27 PM 1 54
TOWN CLERKS OFFICE

**PB #14-26: Lewis Avenue Minor Subdivision; Final Subdivision Plan
Subject to Conditions**

Town of Orangetown Planning Board Decision

June 11, 2014

Page 1 of 6

TO: Donald Brenner, P.E., LL.B., 4 Independence Avenue, Tappan,
New York 10983
FROM: Orangetown Planning Board

RE: Lewis Avenue Subdivision Plan: The application of EMMD, LLC, owner, (Donald Brenner, attorney for the owner), for Final Subdivision Plan Review, at a site to be known as "**Lewis Avenue Subdivision Plan**", in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21 of the Code of the Town of Orangetown. The site is located at 227 Main Street, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 68.12, Block 1, Lot 51 in the RG zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, June 11, 2014**, the Board made the following determinations:

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

1. Project Review Committee Report dated June 4, 2014.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated June 11, 2014.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., June 5, 2014.
4. A letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated June 4, 2014.
5. A letter from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated May 22, 2014.
6. Subdivision Plan prepared by Jay Greenwell, PLS, dated January 15, 2014, revised April 14, 2014:
 - Sheet 1 of 2: Subdivision of Property
 - Sheet 2 of 2: Grading, Drainage & Utility Plan with Erosion Control
7. Copies of Board Decisions: ZBA #14-31, Building Height Variance Approved, dated May 7, 2014 and PB #14-22, Preliminary Subdivision Plan Approval Subject to Conditions/ Neg. Dec., dated April 9, 2014.

The Board reviewed the submitted plans and information.

TOWN OF ORANGETOWN
2014 JUN 27 PM 1 54
TOWN CLERKS OFFICE

**PB #14-26: Lewis Avenue Minor Subdivision; Final Subdivision Plan
Subject to Conditions**

**Town of Orangetown Planning Board Decision
June 11, 2014
Page 2 of 6**

Public Comment:

Emily Eastwick, 14 West Lewis Avenue, Pearl River, requested information regarding the location of the proposed dwelling and zoning setbacks.

Tanyo Parashkevov, 11 West Lewis Avenue, Pearl River, raised concerns regarding the use of the new house as a two family or one family dwelling.

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

DECISION: In view of the foregoing and the testimony before the Board, the application was **Granted a Final 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. A berm shall be placed along the westerly property line, going towards Lewis Avenue.
4. The existing location of the utilities for the subdivision of Lot #2 shall be shown on the plan, such as water line, sewer lateral, etc.
5. The roof drainage for subdivision Lot #2 shall be shown on the plan, such as location of roof leaders or downspouts, direction of flow, etc.
6. The Site and Landscaping Plans shall be reviewed by the Town of Orangetown Architecture and Community Appearance Board of Review at the time it is proposed for a specific dwelling plan, under Site Plan Review.
7. The existing and proposed sanitary sewer house connections, with connection detail, shall be shown on the subdivision plan, including all inverts.

TOWN OF ORANGETOWN
2014 JUN 27 PM 1 54
TOWN CLERKS OFFICE

**PB #14-26: Lewis Avenue Minor Subdivision; Final Subdivision Plan
Subject to Conditions**

**Town of Orangetown Planning Board Decision
June 11, 2014
Page 3 of 6**

8. A detail for the proposed driveway shall be added to the plans.
9. The datum for the contours shall be given on the plan. A note shall be added to the plan indicating the source benchmark for the referenced datum, including the BM elevation.

10. Drainage Review Recommendation

The Drainage Consultant to the Planning Board, Brooker Engineering reviewed the application and found the application has provided sufficient drainage design to demonstrate that potential significant adverse impacts with respect to drainage can be mitigated. The consultant therefore recommends that the Lewis Subdivision 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 review as dated April 1, 2014. Stormwater runoff flows downhill in a westerly direction. The site has a moderate slope and contains mainly grass ground cover beyond the existing impervious area. The existing dwelling to remain is located on proposed Lot 2, which is the uphill lot. Proposed Lot 1 contains the new dwelling, which for this application is 50' x 30'. There is an existing garage and driveway located near the west (downhill) property line. The Drainage Consultant, Brooker Engineering, notes that stormwater runoff from the existing garage to be removed flows directly to the property to the west. The proposed subdivision will mitigate against increases in stormwater by providing a drywell detention system. The calculations show 1372 square feet of existing impervious area on Lot 1, 2705 SF of proposed impervious area on Lot 1, and a net increase of 1333 SF of impervious area. The project mitigates against increases in runoff by diverting stormwater runoff from the 1500 SF proposed dwelling to the drywell system.

Project Comments

- 1) Reference to the stormwater maintenance covenant shall be added to the Plat. The details and requirements of the maintenance plan shall be added to the Grading and Utility Plan.
- 2) It is recommended that a minimum pipe diameter of six inches be used for the proposed drainage pipes.
- 3) The basement sump pump outlets to the drywell. The drywell uses the grate to act as the overflow outlet. The proposed basement has an elevation of 303.3 and the drywell rim has an elevation of 305.0. The drywell rim and basement floor elevation shall be redesigned so the rim is at least four inches lower than the basement floor elevation. The flow path from the drywell rim overflow shall be shown graphically by drainage arrows directing water overflows from the drywell to the West Lewis Avenue gutterline and not to the property to the west.

TOWN OF ORANGETOWN
2014 JUN 27 PM 1 54
TOWN CLERKS OFFICE

**PB #14-26: Lewis Avenue Minor Subdivision; Final Subdivision Plan
Subject to Conditions**

**Town of Orangetown Planning Board Decision
June 11, 2014
Page 4 of 6**

Continuation of Condition #10...

4. The project assumes a building size of 1500 SF that is diverted to the drywell. No proposed impervious areas are shown in the backyard. If the project is ultimately constructed with additional impervious areas beyond what is shown on the current subdivision plan, then additional stormwater mitigation measures will have to be designed and provided. This design, if needed, shall also demonstrate how the additional impervious areas are directed to the stormwater detention system.
11. The Rockland County Department of Health (RCDOH) reviewed the plans and found that application is to RCDOH for review of the Stormwater Management system for compliance with the County Mosquito Code.
12. 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 for any proposed construction at this site. 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.
13. The applicant shall comply with all pertinent items in the Guide to the Preparation of Subdivision Plats prior to signing the final plans.
14. All reviews and approvals from various governmental agencies must be obtained prior to stamping of the Subdivision Plan.
15. 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.
16. 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.

TOWN CLERKS OFFICE
2014 JUN 27 PM 1 54
TOWN OF ORANGETOWN

**PB #14-26: Lewis Avenue Minor Subdivision; Final Subdivision Plan
Subject to Conditions**

**Town of Orangetown Planning Board Decision
June 11, 2014
Page 5 of 6**

17. 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.

18. 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.

19. 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.

TOWN OF ORANGETOWN
2014 JUN 27 PM 1 54
TOWN CLERKS OFFICE

**PB #14-26: Lewis Avenue Minor Subdivision; Final Subdivision Plan
Subject to Conditions**

Town of Orangetown Planning Board Decision

June 11, 2014

Page 6 of 6

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

21. 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).

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

23. 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

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

The foregoing Resolution was made and moved by Michael Mandel and seconded by Thomas Warren and carried as follows: Bruce Bond, aye; Kevin Garvey, absent; Michael Mandel, aye; William Young, aye; John Foody, 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 11, 2014

Cheryl Coopersmith

Chief Clerk Boards and Commissions



TOWN OF ORANGETOWN
2014 JUN 27 PM 1 54
TOWN CLERKS OFFICE

PB#14-28: SMK Erie Subdivision – Granted two 90 Day Extensions (180 Days) File the Subdivision with the Rockland County Clerk's Office

Town of Orangetown Planning Board Decision

June 11, 2014

Page 1 of 2

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

RE: SMK -Erie Subdivision Plan: The application Jay Greenwell, applicant, for SMK Home Builders, Inc., owner, for a two 90 Day Extensions (180 Days) to File the Subdivision Map with the Rockland County Clerk's Office, at a site to be known as "**SMK – Erie Subdivision Plan**", in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21 of the Code of the Town of Orangetown. The site is located 86 West Erie Street, Blauvelt, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 70.13, Block 1, Lot 21 in the R-15 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, June 11, 2014**, at which time the Board made the following determinations:

The Board received the following communications:

1. Project Review Committee Report dated June 4, 2014.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated June 11, 2014.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated June 5, 2014.
4. PB #14-06: SMK Erie Sub Subdivision – Second 90 day extension to file the Subdivision with the Rockland County Clerk's Office, dated March 26, 2014 and First 90 day extension to file, dated January 15, 2014 and PB #13-28 and PB #14- 18.

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, absent; Kevin Garvey, absent; Michael Mandel, aye; William Young, aye; Robert Dell, absent; John Foody, aye and Thomas Warren, aye.

DECISION: In view of the foregoing, the Board **GRANTED a two 90 Day Extensions (180 Days) to File the Subdivision Plan with the Rockland County Clerk's Office.**

TOWN CLERK'S OFFICE
2014 JUN 27 PM 1 55
TOWN OF ORANGETOWN

PB#14-28: SMK Erie Subdivision – Granted two 90 Day Extensions (180 Days) File the Subdivision with the Rockland County Clerk's Office Granted 2nd 90 Day Extension to File the Subdivision with the Rockland County Clerk's Office

**Town of Orangetown Planning Board Decision
June 11, 2014
Page 2 of 2**

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

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

Dated: June 11, 2014

Cheryl Coopersmith
Chief Clerk Boards and Commissions



TOWN OF ORANGETOWN
2014 JUN 27 PM 1 55
TOWN CLERKS OFFICE