

**Meeting of June 12, 2013
Town of Orangetown Planning Board**

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

School of Rock Conditional Use Permit **Granted** **PB #13 - 22**
Prepreliminary/ Preliminary/ Final **Conditional Use**
Conditional Use Permit and SEQRA Review **Permit**
70.14/4/33; CS zoning district

Henry Kaufmann Campground, Inc. Master Plan **PB #13 - 23**
Prepreliminary/ Preliminary/ Final **Postponed**
Master Plan and SEQRA Review
69.14/1/28 & 69.10/2/21; R-80 zoning district

Kopunek Subdivision Plan **Continued:** **PB #13 - 24**
Prepreliminary/ Preliminary **Determination**
Subdivision Plan and SEQRA Review **of property status**
77.06/2/69; R-15 zoning district **by the Office of**
 Building, Zoning,
 Planning Administration
 And Enforcement

Hayes Site Plan **Postponed** **PB #13 - 25**
Prepreliminary/ Preliminary/ Final
Site Plan and SEQRA Review
70.09/ 1/ 41.1; R-15 zoning district

7 Welles Lane Site Plan **Final Site Plan** **PB #13-26**
28 South Boulevard Subdivision **Approval**
Critical Environmental Area **Subject to Conditions**
Prepreliminary/ Preliminary/ **Neg. Dec.**
Final & SEQRA Review
66.17/1/25.2; R-22 zoning district

The Pointe at Lake Tappan Site Plan **Final Site Plan** **PB # 13 - 20**
Final Site Plan Amendment **Approval**
to Approved Site Plan Review **Subject to Conditions**
73.10/1/4, 5 6 (partial); PAC zoning district

Continued Item from February 22, 2012 Meeting:

28 Route 303 Auto Site Plan **Postponed** **PB #12 - 02**
Prepreliminary/ Preliminary/ Final
Site Plan and SEQRA Review
77.15/1/44; CS zoning district

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The decision of Hillside Commercial Park Site Plan, PB #13-21, of the May 22, 2013 Planning Board Meeting was reviewed, edited and approved. The motion for adoption was made and moved by William Young and seconded by Bruce Bond and carried as follows: Kevin Garvey, aye; Bruce Bond, aye, Jeffrey Golda, aye; Robert Dell, absent; John Foody, aye; Michael Mandel, recused, and William Young, aye.

The decisions of the May 22, 2013 Planning Board Meeting was reviewed, edited and approved. The motion for adoption was made and moved by John Foody and seconded by Bruce Bond and carried as follows: Kevin Garvey, aye; Bruce Bond, aye, Jeffrey Golda, aye; Robert Dell, absent; John Foody, aye; Michael Mandel, aye, and William Young, aye.

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

Since there was no further business to come before the Board, a motion to adjourn the meeting was made by Bruce Bond and seconded by Michael Mandel and agreed to by all in attendance. The meeting was adjourned at 9:15 p.m. The next Planning Board meeting is scheduled for June 26, 2013.



**DATED: June 12, 2013
Town of Orangetown Planning Board**

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PB #13-22: School of Rock Conditional Use Permit: Granted Conditional Use Permit and Final Approval Subject to Conditions/ Neg. Dec.

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TO: Shuman Roy, 1201 Adams Street, Apt. 213,
Hoboken, New Jersey 07030

FROM: Orangetown Planning Board

RE: School of Rock Conditional Use Permit: The application of Shuman Roy, applicant, for Blauvelt Realty Partners, owners, for a Conditional Use Permit Review, Preliminary/ Preliminary/ Final Review, at a site to be known as “**School of Rock Conditional Use Permit**”, in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21A of the Code of the Town of Orangetown and to determine the environmental significance of the application pursuant to the requirements of the New York State Environmental Quality Review Act. The site is located at 225 East Erie Street, Blauvelt, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 70.14, Block 4, Lot 33 in the CS zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, June 12, 2013**, at which time the Board made the following determination:

Shuman Roy appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated June 5, 2013.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated June 12, 2013.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., June 6, 2013.
4. A letter from Rockland County Department of Planning, signed by Thomas Vanderbeek, P.E., Commissioner of Planning, dated May 31, 2013.
5. A letter from the Rockland County Department of Highways, signed by Sonny Lin, P.E., June 11, 2013.
6. A letter from Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer II, dated June 4, 2013.
7. Letters from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated May 13, 2013.
8. An interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by Michael Bettmann, Chief Fire Inspector, dated May 21, 2013.
9. A letter from the New York State Department of Transportation, signed by Mary Jo Russo, P.E., Rockland County Permit Engineer, dated June 10, 2013.
10. A Short Environmental Assessment Form signed by Shuman Roy, dated May 2, 2013.

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11. A letter from the Town of Orangetown Zoning Board of Appeals, signed by Daniel Sullivan, Chairman, dated May 15, 2013.
12. Plans noting interior layout of storefront, location and available parking.
13. Copy of Building Permit application, dated February 28, 2013.
14. An Executive Summary prepared by Shuman Roy.

The Board reviewed the Plan.

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

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

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

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Environmental Management and Engineering, and having heard from the following involved and interested agencies: Rockland County Department of Highways, Rockland County Sewer No. 1, Rockland County Department of Health, and having reviewed the proposed plan, 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 Bruce Bond and seconded by Michael Mandel and carried as follows: Kevin Garvey, aye; Michael Mandel, aye; Bruce Bond, aye; Robert Dell, absent; John Foody, aye; William Young, aye; and Jeffrey Golda, aye, the Board made a Negative Declaration pursuant to SEQRA.

In view of the foregoing and the testimony before the Board, the application was GRANTED A CONDITIONAL USE PERMIT, pursuant to Chapter 43, Section 8.1 of the Town of Orangetown Zoning Code. The Board made the following Findings and Comments:

- The proposed use, size and character is in harmony with the development in the district in which it is proposed to be situated and will not be detrimental to the zoning classification of such properties.
- The proposed location and size of the use, nature and intensity of operations involved, and the site layout in relation to access streets will not be hazardous to pedestrian or vehicular traffic.

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- The proposed location of the use will not hinder or discourage development or use of adjacent land and buildings.
- The proposed use will not require additional public services or create fiscal burdens upon the Town of Orangetown greater than those which characterize uses permitted by right.

In addition, this FINAL APPROVAL IS SUBJECT TO THE FOLLOWING CONDITIONS:

1. The parking requirements for a school of special instruction are at least 1 space per 300 square feet or 1 space per 12 students. Therefore, the number of existing parking spaces is sufficient.
2. Item #10 of the Short Environmental Assessment Form shall be answered "Yes" and "Certificate of Occupancy" listed.
3. The Rockland County Department of Health reviewed the information and found there are no Rockland County Department of Health approvals needed for this application.
4. 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. The District maintains sewers in an easement on the above property. Although this application does not appear to affect the easement, the following information is offered by the District:
 - a) No permanent structures may be built within the District easements.
 - b) If any foundation work or other types of major excavation work is to be done within close proximity to the easement boundary, the District must be notified forty-eight (48) hours in advance. Shoring or other types of precautions may be needed to protect the sewer main. The property owner must also pay these expenses.
 - c) To prevent any damages from occurring to the existing main, the District must be notified when the land within the easement is to be modified. This includes but is not limited to regrading, raising or lowering of manhole frames, or working in close proximity to sewers and manholes within the easement.
 - d) The District office must approve any construction to be done with the District easements.
 - e) A contractor must obtain required insurance and sign a waiver to defend, indemnify, save and hold harmless both the County of Rockland and Rockland County Sewer District No. 1 from any claims arising from work performed with its easements.

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5. The Board held that the recommendation from the Rockland County Department of Planning was satisfied.
 - a. It is not clear how many parking spaces are required for this use, or how many parking spaces are being provided. Some parking spaces are depicted on the sketch, but access to the site is not shown. The applicant must show that adequate parking is provided, or provide an off-site arrangement for their use in the event of overflow parking. This is especially critical since Erie Street is a busy roadway, and the description for the use seems to indicate that multiple students will be at the school simultaneously.
6. The Town of Orangetown Bureau of Fire Prevention had the following comments which are incorporated herein as conditions of approval:
 - a. Install a NFPA 72 compliant fire alarm system with direct connection to 44 Control, transmitting in Contact ID format.
 - b. Install Portable Fire Extinguishers according to NFPA 10.
 - c. Install Emergency and Illuminated Exist lights according to NEC
 - d. Install a Key Box.
 - e. Install Amber strobes according to Town of Orangetown Town Code.
 - f. Show "No Parking" and "Fire Zones" on Final Approved Site Plan.
 - g. Apply for and maintain a Certificate of Compliance Fire Safety with the Orangetown Bureau of Fire Prevention Office.
7. The New York State Department of Transportation has reviewed the plan and held that the project will have no significant impact on the state transportation system.
8. The Rockland County Department of Highways The Rockland County Department of Highways reviewed the plans and found that the subdivision as shown will have no foreseeable adverse impact upon County Highway in the area.
9. 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
 - New York State Department of Transportation

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The foregoing Resolution was made and moved by Bruce Bond and seconded by William Young and carried as follows: Kevin Garvey, aye; Bruce Bond, aye; Robert Dell, absent; Michael Mandel, aye; John Foody, aye; Jeffrey Golda, aye; and William Young, 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 12, 2013

Town of Orangetown Planning Board

attachment

A handwritten signature in cursive script, appearing to read "Cheryl Cape".

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

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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: School of Rock Conditional Use Permit

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

DESCRIPTION OF ACTION: School of Rock Conditional Use Permit: Granted Conditional Use Permit and Final Approval Subject to Conditions/ Neg. Dec.

LOCATION: The site is located at 225 East Erie Street, Blauvelt, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 70.14, Block 4, Lot 33 in the CS zoning district.

REASONS SUPPORTING THIS DETERMINATION:

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

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

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

For Further Information contact:

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

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**PB #13-26: 7 Welles Lane Site Plan- 28 South Boulevard
Subdivision – Lot #25.2 – Final Site Plan Approval Subject to Conditions/
Neg. Dec.**

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TO: Josko Lucin, 37-19 56th Street, Woodside, New York
FROM: Orangetown Planning Board

RE: 7 Welles Lane Site Plan: The application of Josko Lucin, owner, for Preliminary/ Preliminary/ Final Site Plan Review, at a site in the Critical Environmental Area, to be known as “7 Welles Lane Site Plan”, and as lot 25.2 in the 258 South Boulevard Subdivision, 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 7 Welles Lane, Upper Grandview, Town of Orangetown, Rockland County, New York and as shown on the Orangetown Tax Map as Section 66.17, Block 1, Lot 25.2 in the R-22 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, June 12, 2013**, at which time the Board made the following determinations:

Josko Lucin appeared and testified.

The Board received the following communications:

1. A Project Review Report dated June 5, 2013.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated June 12, 2013.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated June 6, 2013.
4. Letters from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated June 6 & 12, 2013.
5. A letter from the Rockland County Department of Planning, signed by Thomas Vanderbeek, Commissioner, dated June 4, 2013.
6. Letters from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated April 18 & May 15, 2013.
7. A letter from the Rockland County Sewer District, signed by Joseph LaFiandra, Engineer II, dated June 4, 2013.
8. A letter from the New York State Department of Transportation, signed by Mary Jo Russo, P.E., dated June 10, 2013.
9. Letters from the New York State Department of Environmental Conservation, signed by Janet Swentusky, dated May 14, 2013.
10. A letter from the Town of Orangetown Zoning Board of Appeals, signed by Daniel Sullivan, Chairman, dated May 15, 2013.
11. A Short Environmental Assessment Form signed by Josko Lucin, dated May 10, 2013.

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12. Site Plan prepared by Highland Associates, signed and sealed by Paul Gdanski, P.E. dated May 9, 2013.
13. ACABOR #13-25, Approved Subject to Conditions, dated June 6, 2013.
14. Copy of Building Permit Referral.
15. An email to the Planning Board from Rosemarie Monaco and William Hines dated June 12, 2013, with attachments.

The Board reviewed the plan.

Public Comment:

Fred Mundt, 252 South Boulevard, Upper Grandview; raised concerns regarding the impact of the development on his property.

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

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

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

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

After having identified the relevant areas of environmental concern, namely drainage, surface water runoff, land clearing, vegetation, fauna, traffic and noise levels, and after having taken a hard look at said environmental issues, and after having deliberated regarding such concerns, and having heard from the applicant, the applicant’s professional representatives, namely by Paul Gdanski, P.E., and having heard from the following offices, officials and/or Departments:

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(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 #1, New York State Department of Transportation and New York State Department of Environmental Conservation, and having reviewed a Plan by prepared by Paul Gdanski, P.E., 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 Bruce Bond and seconded by John Foody and carried as follows: Kevin Garvey, aye; Bruce Bond, aye; Robert Dell, absent; John Foody, aye; William Young, aye; Michael Mandel, and Jeffrey Golda, aye, the Board made a Negative Declaration pursuant to SEQRA.

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

1. The applicant shall comply with all pertinent and applicable conditions of ACABOR #13-25, Approved Subject to Conditions, dated June 6, 2013.
2. The following note shall be placed on the Site Plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a Pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a meeting".

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- 3.** The following note shall be placed on the Site Plan: “Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations” .
- 4.** The driveway shall have a maximum grade not to exceed 10%.
- 5.** The Site Plan shall refer to the Filed Subdivision Plat for the site, “258 South Boulevard Subdivision Plan” .
- 6.** A Soil and Erosion Control Plan shall be submitted.
- 7.** The slope of the driveway shall be shown on the plan.
- 8.** All and any significant trees to be removed or saved shall be shown on the Site Plan.
- 9.** A Zoning Bulk Table shall be provided on the Site Plan.
- 10.** The Short Environmental Assessment appears to be in order.
- 11.** A level spreader, or other acceptable devices, shall be added to the end of the proposed drywell overflow.
- 12.** Drainage calculations, prepared and sealed by a New York State Licensed Professional Engineer, shall be submitted to DEME for review and approval.
- 13.** A “perc” test shall be administered at all proposed seepage pit locations, to ensure adequacy of the designed drainage system, prior to receiving final approval for site plan. The applicant’s engineer shall provide a copy of the field perc test to DEME and the Building Department for review and approval.
- 14.** The proposed sanitary sewer house connection, with connection detail, shall be shown on the plan, including all inverts.
- 15.** All proposed grading shall be shown on the Site Plans.
- 16.** Soil erosion and sediment control plans and details shall be added to the plans.

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17. The Drainage Consultant to the Planning Board, Brooker Engineering, held that the application sufficiently demonstrates that potential adverse impacts with respect to drainage can be mitigated and therefore recommended that the Wells Lane Site Plan be approved for drainage subject to the following Project Comments.

- 1) The grading plan shall add a swale in the front yard showing that stormwater runoff is directed away from the house. The swale shall be labeled for ease of construction inspection.
- 2) Add spot grades along the new driveway drop curb that maintains the flow of runoff along the road gutterline and prevents runoff from the road from entering the driveway. The location of the driveway shall be shown clearly on the Site Plan.
- 3) The drainage easements on the property for the road drainage system and storm drainage outfall shall be added to the Site Plan.
- 4) The drywells shall be located at least 10'-8" away from each other (the radius of one drywell plus crushed stone envelope). In order to be consistent with the soil percolation rates that are used in the calculations, the drywells shall be dug in separate excavations. A note on the plan shall be added indicating this. A note shall be added to the plan indicating that the assumed soil percolation rate of one inch per 30 minutes shall be field verified prior to construction.
- 5) The drywell detail shows the cover at grade which is appropriate. To help clarify this during construction and prevent the cover from being buried, add a label to the detail that states "Drywell cover to remain at finished grade".
- 6) The footing drain for the basement has been added to the Site Plan as requested; however, add the invert of the footing drain at the house. The footing drain shall not receive groundwater infiltration from the seepage pits. The seepage pits shall be relocated to at least ten feet from the foundation; add a dimension on the plan indicating this separation.
- 7) An additional structure shall be added before the drywells that has a sump and hood over the outlet pipe to prevent leaves and debris from the trench drain from entering the drywells.

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

- 1) Prior to the start of construction or grading, a Soil Erosion and Sediment Control Plan shall be developed and in place for the entire site that meets the NYS Guidelines for Urban Erosion and Sediment Control.
- 2) There shall be no net increase in storm water runoff from the site.
- 3) As indicated in the April 18, 2013 letter from the Rockland County Department of Health, an application must be made for review of the Stormwater Management System for compliance with the County Mosquito Code.
- 4) If any public water supply improvements are required, engineering plans and specification for these improvements shall be reviewed by the Rockland County Department of Health, prior to construction. In order to complete an application for approval of plans for public water supply improvements, the water supplier must supply an engineer's report pursuant to the "Recommended Standards for Water Works, 2003 Edition", that certifies their ability to serve the proposed project while meeting the criteria contained within the Recommended Standards for Water Works. These standards are adopted in their entirety in 10 NYCRR, Subpart 5-1, the New York State regulations governing public water systems. Both the application and supporting engineer's report must be signed and stamped by a NYS licensed professional engineer and shall be accompanied by a completed NYS Department of Health Form 348, which must be signed by the public water supplier.

19. 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.

21. The New York State Department of Transportation reviewed the plans and found that the project will have no significant impact on the state transportation system and have no further comments.

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22. The New York State Department of Environmental Conservation reviewed the plans and there are no water bodies that appear on its regulatory maps, the site is not within a New York State Freshwater Wetlands, and no records of sensitive resources were identified. The agency reviewed the site for Cultural Resources and found that the project site is located within an area considered to be sensitive with regard to archaeological resources.

23. 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 Sewer District #1
- Rockland County Department of Health
- New York State Department of Transportation
- New York State Department of Environmental Conservation

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

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

26. 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.

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.

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Continuation of Condition #27

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.

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

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Continuation of Condition #31....

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.

The foregoing Resolution was made and moved by Bruce Bond seconded by William Young and carried as follows: Bruce Bond, aye; Michael Mandel, nay; William Young, aye; Robert Dell, absent; John Foody, aye; Jeffrey Golda, aye, and Kevin Garvey, 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 12, 2013

Town of Orangetown Planning Board

attachment



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

**PB #13-27: 7 Welles Lane Site Plan
(258 South Boulevard Subdivision - Lot #2)
Town of Orangetown Planning Board Decision
June 12, 2013**

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

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

**NAME OF ACTION: 7 Welles Lane Site Plan (258 South Boulevard
Subdivision - Lot #2)**

SEQR STATUS: Type I XXXXXX
Unlisted XXXXXX

CONDITIONED NEGATIVE DECLARATION: Yes XXXXXX
No XXXXXX

DESCRIPTION OF ACTION: Site Plan Review -- Critical Environmental Area
LOCATION: The site is located at 7 Welles Lane in the Critical Environmental Area, Town of Orangetown, Rockland County, New York and as shown on the Orangetown Tax Map as Section 66.17, Block 1, Lot 25.2 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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TO: Donald Brenner, 4 Independence Avenue, Tappan,
New York 10983

FROM: Orangetown Planning Board

RE: The Pointe at Lake Tappan Site Plan: The application of Pearl River Veterans, LLC, owner, (Donald Brenner, attorney for the applicant), for an Amendment to the Final Site Plan, at a site to be known as "**The Pointe at Lake Tappan Site Plan Amendment**", in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21A of the code of the Town of Orangetown. The site is located on the South Side of Veterans Memorial Drive, East of the existing Blue Hill Office Complex and West of Blue Hill South Drive, Pearl River, Town of Orangetown, Rockland County, New York. Tax Map: Section 73.10, Block 1, Lots 4, 5, & 6 (partial); OP & PAC zoning districts.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, June 12, 2013** at which time the Board made the following determinations:

Donald Brenner and James Ryan appeared and testified.

The Board received the following communications:

1. Project Review Committee Report, dated May 15, 2013.
2. Interdepartmental memorandums from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated November 14, 2012, June 12 & May 22, 2013.
3. Interdepartmental memorandums from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated February 12 & May 17, 2013.
4. A letter from the Rockland County Department of Planning, signed by Thomas B. Vanderbeek, P.E., Commissioner of Planning, dated May 14, 2013.
5. Letters from the Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated April 18 & 19, 2013.
6. A letter from the Rockland County Department of Highways, signed by Sonny Lin, P. E., dated May 29, 2013.
7. An Interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by Michael Bettmann, Chief Fire Inspector, dated May 13, 2013.
8. A letter from the New York State Department of Transportation, signed by Mary Jo Russo, P.E., Rockland County Permit Engineer, dated May 8, 2013.

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9. Copies of prior Board Decisions:
- PB #12- 50: The Pointe at Lake Tappan Site Plan - Preliminary Site Plan Approval Subject to Conditions; Reaffirmation of SEQRA
 - ACABOR #13-05, Approved Subject to Conditions, dated March 7, 2013
 - PB #07-56, Final Site Plan/ Subdivision Approval Subject to Conditions, dated October 10, 2007
 - ACABOR #07-47, Approved Subject to Conditions, dated July 17, 2007
 - PB #07-28, Preliminary Site/Subdivision Plan Approval Subject to Conditions/ Neg. Dec., dated July 11, 2007.
10. Site Plans prepared by John Meyer Consulting, unless noted, plans dated September 21, 2012, revised April 10, 2013:
- Drawing SP-1: Cover Sheet
 - Drawing SP-2: Site Overall Existing Conditions Plan
 - Drawing SP-3: Site Existing Conditions Plan
 - Drawing SP-4: Site Layout Plan
 - Drawing SP-5: Site Grading Plan
 - Drawing SP-6: Site Utilities Plan
 - Drawing SP-7: Site Sediment and Erosion Control Plan
 - Drawing SP-8: Site Landscaping Plan
 - Drawing SP-8A: Typical Residential Unit Landscaping Plan, dated April 10, 2013
 - Drawing SP-9: Water Main Profiles, dated September 21, 2012
 - Drawing SP-10: Sanitary Sewer Profile, dated September 21, 2012
 - Drawing SP-11: Stormwater Sewer Profile, dated January 28, 2013
 - Drawing SP-12: Stormwater Sewer Profile, dated January 28, 2013
 - Drawing SP-13: Road Profiles, dated September 21, 2012
 - Drawing SP-14: Construction Details, dated September 21, 2012
 - Drawing SP-15: Construction Details, dated September 21, 2012
 - Drawing SP-16: Construction Details, dated September 21, 2012
 - Drawing SP-17: Construction Details, dated September 21, 2012
 - Drawing SP-18: Construction Detail, dated January 28, 2013s
 - Drawing SP-19: Construction Detail, dated January 28, 2013s
 - Drawing SP-20: Easement Plan, dated January 28, 2013
 - Drawing SP-21: Site Fire Truck Access Plan, dated January 28, 2013
 - Drawing SP-22: Site Lighting Plan, dated September 21, 2012

11. Architectural Elevation prepared by Barton Partners;

- 1 of 21: Materials and Colors to be used on building elevations, dated February 2, 2013
- 2 of 21: Site Lighting Fixtures, dated February 7, 201
- 3 of 21: Site Plan Rendering, dated April 2, 2013

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- **Building Plan – 14 Units, dated April 2, 2013:**
 - 4 of 21: First Floor Plan
 - 5 of 21: Second Floor Plan
 - 6 of 21: Elevations
- **Building Plan – 18 Units, dated April 3, 2013:**
 - 7 of 21: Garage Floor Plan
 - 8 of 21 First Floor Plan
 - 9 of 21: Second Floor Plan
 - 10 of 21: Elevations
- **Building Plan – 20 Units, dated April 2, 2013:**
 - 11 of 21: First Floor Plan
 - 12 of 21: Second Floor Plan
 - 13 of 21: Elevations
- **Building Plan – 26 Units, dated April 2, 2013, unless noted:**
 - 14 of 21: Garage Floor Plan
 - 15 of 21: First Floor Plan
 - 16 of 21: Second Floor Plan
 - 17 of 21: Elevations, dated February 7, 2013
- **Clubhouse**
 - 18 of 21: Floor Plan, dated April 2, 2013
 - 19 of 21: Elevations, dated February 7, 2013
- **Seth House, dated April 2, 2013**
 - 20 of 21: Floor Plan
 - 21 of 21: Elevations

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

The Board reviewed the plans.

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DECISION: In view of the foregoing and the testimony before the Board, the application was **GRANTED FINAL SITE PLAN 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. A note shall be placed on the Site Plan, stating that on July 17, 2012 the Town of Orangetown Town Board passed Resolution Number 337 approving the revised Site Plan allowing 160 units to be built as a rental complex under the Planned Adult Community Zone (PAC).
4. Provide the minimum building setback of 25 feet from the roadway for Building #4 on the Site Plan and label as such.
5. Updated sanitary calculations with a copy of the original calculations for the site and pumping station, shall be prepared and sealed by a New York State Licensed Professional Engineer, and shall be submitted to DEME for review and approval.
6. The sanitary sewer pumping station design shall be updated, if necessary. The applicant's engineer is reminded that the previously supplied sanitary calculations included proposed flows from the neighboring commercial property, i.e. the proposed station was designed to handle the sanitary flow from that property. Therefore, an increase in flow from this site may warrant a modification of increase in capacity for the proposed station. If previous design is adequate, the applicant's engineer will explain in the sanitary calculations. Also, the sanitary pumping station design shall be resubmitted to ensure compliance with revised layout.
7. Sanitary sewer easements shall cover the width of the road (24 feet) and at least 20 feet wide off road. Drawing #20 shall be labeled to reflect that the Town is to own the pumping station property in fee.

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8. Profiles for the proposed sanitary and storm sewers, drawing #10, shall show the building connections on the plans.
9. Detailed information regarding the proposed storage pond/ basin and outlet structure shall be supplied, (i.e. storage capacity at certain elevations, berm reinforcing, etc.).
10. Because the stormwater system is to be private, a 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.
11. The water quality volume, described in the SWPPP, shall be represented on the detention basin detail, drawing SP-17.
12. The SWPPP calls for 12 inch and 8 inch orifices in the outlet structure and drawing SP-15 indicates 12 inch and 6 inch orifices. This shall be corrected.
13. Additional erosion control measures shall be shown along the toe of the proposed slope, along Blue Hill Road South.
14. On Drawing SP-22: Site Lighting Plan, dated September 21, 2012, Shields shall be placed on the lighting fixtures.
15. Rockland County Department of Planning had the following comments which are incorporated herein as conditions of approval:
 - 1) An updated review must be completed by the County of Rockland Department of Highways. In addition, the comments and concerns raised in the November 13, 2012 letter must be met. As indicated in this letter, the land-swap and road abandonment agreement reached between the County of Rockland and the applicant must be met and an executable agreement finalized before any work permit can be issued for this project.
 - 2) An updated review must be completed by the County of Rockland Department of Health, and all required permits obtained. As indicated in the April 19, 2013 letter from the Rockland County Department of Health, since the layout is significantly different than previously reviewed and approved by the Health Department, a full set of engineering plans must be reviewed for the sewer main extension, water main extension and the mosquito breeding suppression plan.
 - 3) The applicant must meet with the Rockland County Department of Public Transportation to determine the best location for the pick-up of residents at the complex by T.R.I.P.S., a paratransit system that serves senior and handicapped residents in Rockland County. If it is anticipated that the buses will pick-up the residents internally, then a review of the layout of the road system must be done to ensure that turning radii are sufficient for the buses. Traffic calming devices, such as speed bumps are not recommended. If it is determined that the residents will be picked -up outside of the complex, then a location for the pick-up and drop-off of the residents must be specified, handicapped accessible, and a safe access to this location provided.

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Continuation of Condition #15....

- 4) An updated review must be completed by the County of Rockland Office of Fire and Emergency Services and any concerns addressed.
- 5) Any public sewer mains requiring extensions within a right of way or an easement shall be reviewed and approved by the Rockland County Health Department prior to construction.
- 6) A review shall be completed by both the New York State Department of Environmental Conservation (NYSDEC) and the U.S. Army Corps of Engineers (ACOE), and all required permits must be obtained. The permit regarding the wetlands will be a joint permit of the NYSDEC and ACOE. No Site Plan approval shall be granted until the Town has received documentation from these agencies regarding wetland boundary determinations and the restrictions that will apply to these areas and to their respective buffer area.
- 7) 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. A letter from the public water supplier, stamped and sealed by a New York State licensed professional engineer, shall be issued to the municipality for this project, certifying that there will be a sufficient water supply during peak demand periods and in a drought situation.
- 8) If any public water supply improvements are required, engineering plans and specification for these improvements shall be reviewed by the Rockland County Department of Health, prior to construction. In order to complete an application for approval of plans for public water supply improvements, the water supplier must supply an engineer's report pursuant to the "Recommended Standards for Water Works, 2003 Edition," that certifies their ability to serve the proposed project while meeting the criteria contained within the Recommended Standards for Water Works. These standards are adopted in their entirety in 10 NYCRR, Subpart 5-1, and the New York State regulations governing public water systems. Both the application and supporting engineer's report must be signed and stamped by a NYS licensed professional engineer and shall be accompanied by a completed NYS Department of Health Form 348, which must be signed by the public water supplier.
- 9) Prior to any grading or construction on the site, a soil and erosion control plan shall be developed that meets the New York State Guidelines for Urban Erosion and Sediment Control.
- 10) There shall be no net increase in the peak rate of discharge from the site at all design points.
- 11) Details regarding the proposed uses in the recreation center shall be provided. Will there be a meeting room where parties can be held. If so, what is the maximum capacity. Is the proposed parking provided for the center and pool adequate for all uses. These questions can be resolved with more detailed information

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16. The Rockland County Department of Highway reviewed the submitted plans and offers the following comments for consideration:

- 1) There was a land-swap and road abandonment agreement in 2007 that the developer needs to construct a pre-fabricated building on a property belongs to the Rockland County Highway Department previously owned by the Town of Orangetown next to Hunt Road in exchange for County Road 23A Blue Hill Road West. This issue has been resolved.
- 2) The limit of disturbance at the proposed entry shall be expanded to include the catch basins and to the edge of pavement.
- 3) In view of the proposed force main under Veterans Memorial Drive, add a note on the drawing to indicate that horizontal directional drilling will be used for connection across the County Highway #20.
- 4) A Rockland County Highway Department Work Permit will be required for the proposed development and must be obtained prior to start of any construction on site.
- 5) A separate Rockland County Highway Department Road Opening Permit will be required for the utility and sewer work to be performed within County roads.

17. The Rockland County Department of Health (RCDOH) reviewed the revised plans and found that since the layout is significantly different than those previously approved by RCDOH, fully engineered plans along with revised applications and review fees for the sewer main extension, water main extension and the mosquito breeding suppression plan are to be submitted to the RCDOH.

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

- 1) All roadways, turnaround, etc... must provide a property turning radius to accommodate a 55 foot long piece of fire apparatus.
- 2) All roadways must be a minimum of 20 feet in width with vertical clearance of 13 feet 6 inches. Including access roads to pump stations, etc.,, any road with a fire hydrant must be 26 feet wide.
- 3) All dead ends in excess of 150 feet in length must provide a turnaround area; the design of the turnaround must be in compliance with the New York State Fire Code. These areas are located on the North side of Building #5, and on the South East side of Building #1.
- 4) Buildings, culverts, elevated surfaces shall comply with the following:
Where a bridge or an elevated surface is part of a fire apparatus access road, the bridge shall be constructed and maintained in accordance with AASHTO Standard Specification for Highway Bridges. Bridges and elevated surfaces shall be designed for a live load sufficient to carry the imposed loads of fire apparatus. Vehicle load limits shall be posted at both entrances to bridges when required by the Fire Inspector. Where elevated surfaces designed for emergency vehicle use are adjacent to surfaces which are not designed for such use, approved barriers, approved signs or both shall be installed and maintained when required by the Fire Inspector. These must be shown on the Site Plan.

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Continuation of Condition #18...

- 5) All proposed fire lanes are to be shown on the Site Plan. Any fire lanes less than 26 feet wide must have fire lane signs posted on both sides. Any fire lane over 26 feet wide must be posted on one side as required by the Fire Inspector. The Site Plan must show striping and signage, all areas will be designated "No Parking, No Standing Fire Lane" other than designated parking spaces.
 - 6) The use of grass crete has proven to be ineffective due to lack of maintenance, i.e. snowplowing, mud, etc...concrete or asphalt would be acceptable. In addition the emergency access road from Veterans Memorial Drive is too narrow at 18 feet and must be widened to 20 feet. The Site Plan shows two different road widths. Please clarify.
 - 7) A plan showing all building heights, number of floors, construction type, etc... must be submitted as this may affect hydrant distances, road widths; sprinkler connections, etc.
 - 8) Provide a Site Plan for Fire Service Features: Turning radius as required, fire hydrants, turnarounds, road widths throughout, include all items noted above. Plan must show access through entire complex, including roadways behind the buildings, and access to the clubhouse lot.
 - 9) All fire hydrants must be relocated on the Site Plan once a plan showing building heights and distances is provided. Provide an additional hydrant between Buildings 7 and 8, and show it on the Site Plan.
 - 10) All gates must have a minimum width of 20 feet.
 - 11) The Site Plan needs to show where fire department sprinkler connections are located. Connections need to be accessible at all times. Five inch Storz connections are required.
19. The New York State Department of Transportation reviewed the application and site plan and do not have any comments at this time but will continue to review future submittals.
20. The applicant shall comply with all pertinent items in the Guide to the Preparation of Site Plans prior to signing the final plans.
21. All reviews and approvals from various governmental agencies must be obtained prior to stamping of the Site Plan.
22. The applicant shall comply with applicable items in Town of Orangetown Town Board Resolutions:
- Town Board Resolutions #.770, #771 & #772, dated December 5, 2005,
 - Town Board Resolution #311, dated June 26, 2012, and
 - Town Board Resolutions #333, #334, #335, #336 & #337, dated July 17, 2012.

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23. The applicant shall comply with all applicable conditions of previous Board Decisions:

- PB #12- 50: The Pointe at Lake Tappan Site Plan - Preliminary Site Plan Approval Subject to Conditions; Reaffirmation of SEQRA
- ACABOR #13-05, Approved Subject to Conditions, dated March 7, 2013
- PB #07-56, Final Site Plan/ Subdivision Approval Subject to Conditions, dated October 10, 2007
- ACABOR #07-47, Approved Subject to Conditions, dated July 17, 2007
- PB #07-28, Preliminary Site/Subdivision Plan Approval Subject to Conditions/ Neg. Dec., dated July 11, 2007.

24. 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.

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 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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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.
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 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
32. The Planning Board shall retain jurisdiction over lighting, landscaping, signs and refuse control.
- Overrides**
The Board made a motion to override Condition # 7 and #8 of the May 14, 2013 letter from Rockland County Department of Planning, signed by Thomas B. Vanderbeek, Commissioner of Planning, for the following reasons:
- Condition #7)** The Borough of River Vale, New Jersey is one of the reasons this proposal was referred to this Department for review. The municipal boundary is

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along the southern property boundary, directly adjacent to the site. New York State General Municipal Law states that the purposes of Section 239-1, 239-m and 239-n of the law shall be to bring pertinent intercommunity and countywide planning, zoning, site plan and subdivision considerations to the attention of neighboring municipalities and agencies having jurisdiction. Such review may include inter-community and county-wide considerations in respect to the compatibility of various land uses with one another; traffic generating characteristics of various land uses in relation to the effect of such traffic on other land uses and to the adequacy of existing and proposed thoroughfare facilities; and the protection of community character as regards predominate land uses, population density, and the relation between residential and nonresidential area. In addition, Section 239-nn was recently enacted to encourage the coordination of land use development and regulation among adjacent municipalities, so that, as a result, development occurs in a manner that is supportive of the goals and objections of the general area. The Borough of River Vale, New Jersey, must be given the opportunity to review the proposal and its impact on community character, traffic, water quantity and quality, drainage stormwater runoff and sanitary sewer service. The areas of countywide concern noted above that directly impact the Borough of River Vale, New Jersey, must be considered and satisfactorily addressed, as well as any additional concerns about the proposal.

The Board held that since the Borough of River Vale was in the State of New Jersey, review was not required by law. Orangetown extended review of the project only as a courtesy as a neighboring municipality. Since the Borough did not respond to the Town's request for review, the Board held that it would not consider further comments by River Vale for this project.

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

Condition #8. The current proposal indicates 19 acres will be preserved as green space. Much of this land contains federal and state wetlands and their buffer area. A conservation easement must be provided for this green space so as to ensure protection of this area in its natural state. This area must be clearly marked in the field prior to any grading or construction on site to avoid any encroachments into this area. In addition, the conservation easement boundaries shall be recorded in the deed, and monumented, so that the property owner is aware of its existence and restrictions. It must be stated that no grading, structures, or other manmade features are to be placed within this easement area.

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Overrides continued...

The Board held that the applicant shall submit a Conservation Easement Agreement; however, the agreement would allow the developer to install and maintain utilities within the easement for future development.

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

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

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 12, 2013

Town of Orangetown Planning Board



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