

**Meeting of June 26, 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:** Bert Von Wurmb, Department of Building, Zoning, Planning Administration and Enforcement; Robert Magrino, Deputy Town Attorney; Ann Marie Ambrose, Stenographer and Cheryl Coopersmith, Chief Clerk

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

**Continued Item from the April 10, 2013 Meeting:**

**Deans Subdivision Plan** PB #13 - 14  
Prepreliminary/ Preliminary Postponed to  
Subdivision and SEQRA Review July 10, 2013 Meeting  
77.07/2/26; R-15 zoning district

**New Items:**

**Karp Site Plan** PB #13 - 27  
Site Plan Consultation Consultation  
Critical Environmental Area  
75.09/1/1; R-80 zoning district

**SMK-Erie Subdivision Plan** PB #13 - 28  
Final Subdivision Plan Review Final Approval  
70.13/1/21; R-15 zoning district Subject to Conditions

**Sambrotto Minor Subdivision Plan** PB #13 - 29  
Prepreliminary/ Preliminary Continued: Provide  
Subdivision Plan and SEQRA Review additional information  
70.15/2/11; R-40 zoning district on Plan

**Schuyler Associates LLC Subd. Plan** PB #13 - 30  
Amendment to the Performance Bond Postponed to  
65.15/1/7; R-40 zoning district July 10, 2013 Meeting

The decisions of the June 12, 2013 Planning Board Meeting was reviewed, edited and approved. The motion for adoption was made and moved by Bruce Bond and seconded by William Young 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 8:10 p.m. The next Planning Board meeting is scheduled for July 10, 2013.

**DATED: June 26, 2013**

**Town of Orangetown Planning Board** TOWN CLERKS OFFICE

*Cheryl Coopersmith*

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**PB #13-27: Karp Site Plan – Consultation Site Plan (Critical Environmental Area)**

**Town of Orangetown Planning Board Decision**

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**TO:** Michael Esmay, R.A., 17 Van Houten Street, Upper Nyack,  
New York 10960

**FROM:** Orangetown Planning Board

**RE:** Karp Site Plan Consultation: The application of Michael Esmay, applicant, for Peter Karp, owner, for **Site Plan Consultation**, at a site located in the Critical Environmental Area, to be known as “**Karp Site Plan Consultation**”, 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 at 242 Tweed Boulevard, Upper Grandview, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 75.09, Block 1, Lot 1 in the R-80 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, June 26, 2013**, at which time the Board made the following determinations:

Michael Esmay and Peter Karp appeared and testified.

The Board received the following communications:

1. A Project Review Report dated June 19, 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 26, 2013.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated June 21, 2013.
4. Consultation Site Plans prepared by Michael Esmay, R.A.:  
Sheet 1: Location Map  
Sheet 2: Existing Conditions  
Sheet 3: Site Plan  
Sheet 4: Section
5. An Executive Summary entitled Proposed Utilization of 242 Tweed Boulevard, Tax Lot 75.09/1/1.

**CONSULTATION: In view of the foregoing and the testimony before the Board, the applicant was provided with the following comments:**

1. The property is zoned R-80 and therefore several variances will be required from the Town of Orangetown Zoning Board of Appeals. A Zoning Bulk Table shall be provided on a Site Plan that conforms to the regulations of Chapter 21A, “Site Development Plan Approval”, Town of Orangetown Town Code.
2. The water service to the proposed dwelling shall be shown on the Site Plan.

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**PB #13-27: Karp Site Plan – Consultation Site Plan (Critical Environmental Area)**

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3. All discharge locations of roof and footing drains shall be shown on the Site Plan.
4. The septic system shall be approved by the Rockland County Health Department.
5. All grading and elevations shall be shown at 2 foot contours.
6. An Erosion and Sediment Control plan shall be developed.
7. All trees to be removed shall be shown on the Site Plan.
8. All items listed in this “Consultation” have been derived from a conceptual plan and is not an in depth review of the site.
9. A proper Site Plan that conforms to Section 21A of the Town of Orangetown Code Book – Land Development Regulations, shall be provided for review.
10. The proposed driveway slope shall not exceed 10%.
11. The applicant is reminded that the sanitary septic system for the lot must be reviewed and approved by the Rockland County Health Department. Copies of this approval shall be supplied to the Planning Board and DEME prior to signing the final map.
12. Because the site is located in the Critical Environmental Area, the applicant's engineer shall design onsite storage to achieve a zero increase in runoff from the propose site. Drainage calculations, prepared and sealed by a New York State Licensed Professional Engineer, shall be submitted to DEME for review and approval.

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

**Dated: June 26, 2013  
Town of Orangetown  
Planning Board**



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**PB #13- 28: SMK – Erie Subdivision Plan – Final Subdivision Plan Approval  
Subject to Conditions**

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

**RE:** SMK-Erie Subdivision Plan: The application Sean Keenan, applicant for SMK Home Builders, Inc., owner, (Robert Knoebel, attorney for the applicant), for **Final Subdivision Plan Review**, 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 26, 2013** at which time the Board made the following determinations:

Jay Greenwell appeared and testified.

The Board received the following communications:

1. Project Review Committee Report, dated June 18, 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 26, 2013.
3. Interdepartmental memorandums from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated June 6 and 21, 2013.
4. A letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated June 26, 2013, with attachments.
5. A letter from the Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated May 24, 2013.
6. A letter from the Rockland County Department of Highways, signed by Sonny Lin, P.E., dated June 21, 2013.
7. A letter signed by Jay A. Greenwell, PLS, dated May 16, 2013.
8. A report entitled Hydraulic Analysis and Stormwater Design Calculations, prepared by Gdanski Consultants Inc., prepared by Paul Gdanski, P.E., dated December 18, 2012, revised May 13, 2013.
9. Copies of the following Board Decisions: ACABOR #13-27; SMK-Erie Detention Pond Planting Plan, Approved as Presented, dated June 6, 2013, ACABOR #13-18, SMK-Erie Subdivision Plan, Approved Subject to Conditions, dated April 18, 2013, and PB #13-05, Preliminary Subdivision Plan Approval Subject to Conditions/ Neg. Dec, dated February 13, 2013.

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10. Subdivision Plans prepared by Jay Greenwell, PLS, LLC, dated December 12, 2012:
- Drawing 1: Subdivision of Property for SMK-Erie, revised April 2, 2013
  - Drawing 2: Grading Drainage & Utility Plan with Erosion Control, revised April 29, 2013
  - Drawing 3: Road Plan/ Profile & Details, revised May 13, 2013
  - Drawing 4: Details, revised May 2, 2013
  - Drawing 5: Erosion & Sediment Control Plan, revised May 15, 2013
  - Drawing 6: United Water New York Water Main Extension Details, revised May 29, 2013

The Board reviewed the plans.

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

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

1. The following note shall be placed on the Subdivision Plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a meeting".
2. The following note shall be placed on the Subdivision Plan regarding Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.
3. The applicant shall comply with all applicable previous Board decisions: ACABOR #13-27; SMK-Erie Detention Pond Planting Plan, Approved as Presented, dated June 6, 2013, ACABOR #13-18; SMK-Erie Subdivision Plan, Approved Subject to Conditions, dated April 18, 2013, and PB #13-05; Preliminary Subdivision Plan Approval Subject to Conditions/ Neg. Dec, dated February 13, 2013.

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4. The roof drain discharge points for each lot shall be shown on the Subdivision Plans.
5. The catch basins at the end of the existing temporary turnaround shall be realigned to be parallel with the new proposed road.
6. Detailed information regarding the proposed storage pond/ basin shall be supplied (i.e. storage capacity at certain elevations, berm reinforcing, etc.) also, a more detailed (i.e. blow-up) plan shall be provided to show emergency spillway, vehicular access, etc.
7. Profiles for the entire sanitary and storm sewer lines shall be provided with the plans, prop SMP #1 to SMH #2.
8. The revised drainage calculations are currently under review by DEME. However, the total area of disturbance for construction shall be listed in the calculations. Also, a SWPPP may be needed for this subdivision.
9. The revised soil erosion and sediment control plans and details are under review.
10. The sanitary sewer profile, sheet #3, shall be amended to show the proposed main running between the existing SMH and proposed SMH #3.
11. The applicant shall dedicate the 50 foot right of way proposed to be the extension of Private Del Regno Court. The legal document shall be submitted to DEME and the Town Attorney's Office for review and approval in substance and form.
12. The proposed detention basin property shall be dedicated to the Town of Orangetown, not easemented. The legal document shall be submitted to DEME and the Town Attorney's Office for review and approval in substance and form.
13. The proposed sanitary main shall be easemented to the Town of Orangetown Sewer Department, as well as an ingress and egress easement. Metes and bounds shall be provided. The easements shall be submitted to DEME and the Town Attorney's Office for review and approval in substance and form.

The applicant shall provide an exception free title insurance policy for all deeds and easements to the Town of Orangetown, and shall pay all recording fees of the Rockland County Clerk.

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14. The Drainage Consultant to the Planning Board, Brooker Engineering, held that the application included sufficient supporting data to demonstrate that potential significant adverse to stormwater runoff could be mitigated. The consultant therefore recommended that SMK – Erie Subdivision be approved for drainage subject to the following Project Comments:

**Project Description**

This is the second drainage review report to the Planning Board for this project. The property is on the north side of Erie Street, just west of Pvt. Del Regno Lane. The site includes an existing house that is to remain and stormwater runoff generally flows northwest. The property is flat and mainly grass/meadow with some woods along property lines. A detention basin is proposed to provide stormwater mitigation.

**Project Comments**

1. The drainage report shall show the Point(s) of Interest being considered and the change in runoff with respect to the Point(s) of Interest. It appears that stormwater runoff that flows to the northwest corner of the property (toward Colony Drive) under existing conditions is intercepted by the new road and diverted south of the property (Erie Street) for proposed conditions. The consultant had no objection to diverting stormwater runoff away from Colony Drive to Erie Street; however, it shall be demonstrated the storm drainage system in Erie Street has the capacity to receive this stormwater.
2. The proposed assumed impervious areas, broken down per lot, shall be shown on the Stormwater Pollution Prevention Plan (SWPPP). The drainage subbasin that is directed to the detention basin shall be shown on the SWPPP.
3. Additional means for draining the Lot 6 foundation drain in the event the check valve is closed shall be provided. The foundation drains for Lots 2 and 5 shall include check valves. The inverts of the footing drains shall be at a minimum at the crown of the storm drain in the new catch basin. The footing drain invert elevations at the catch basins shall be added to the Utility Plan
4. A field inlet drain shall be provided in the low point created along the east side of proposed Lots 5 and 6. This area shall be clearly labeled with drainage arrows to ensure the drainage across lots is maintained.
5. A proposed elevation 168 contour shall be shown in the rear yard of Lot 4.
6. The invert of the outlet pipe of the detention basin that enters the existing catch basin in Erie Street shall be above the invert of the existing outlet pipe in the catch basin.
7. The outlet structure rim shall be labeled as elevation 164.7 on the Outlet Structure Detail to be consistent with the Grading Plan.

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Continuation of Condition #14.....

8. The Drainage Consultant provided the following comments on the Drainage Report:
- The drainage basin map provided in the Drainage Report shall be adjusted to include the house and driveway for Lot 1 and the house and front yard for Lot 6 as part of the drainage subarea that is directed to the detention basin (Subarea A).
  - The routing calculations shall incorporate a tailwater elevation of the receiving storm drainage system.
  - Curve number calculations shall be provided.
  - Calculations shall be provided that the storm drainage pipes have capacity for the proposed flows.
  - The type of NYSDEC detention basin shall be noted in the Drainage Report and on the SWPPP.
  - The proposed detention basin is a dry basin; a test pit shall be performed to verify that groundwater will not be encountered.

15. The Rockland County Department of Health reviewed the plans and found that all appropriate applications for this project have been made and are currently being reviewed.

16. The Rockland County Department of Highways reviewed the plans and found that based upon the information and plans provided, the design as shown will have no foreseeable adverse impact upon County Highways in the area.

17. 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.

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

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

20. 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.

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**21. 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.

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

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

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24. The contractor's trailer, if any is proposed, shall be located as approved by the Planning Board.
25. 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).
26. Permanent vegetation cover of disturbed areas shall be established on the site within thirty (30) days of the completion of construction.
27. 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
28. The Planning Board shall retain jurisdiction over lighting, landscaping, signs and refuse control.
- The foregoing Resolution was made and moved by Bruce Bond and seconded by William Young and carried as follows: Kevin Garvey, aye; Bruce Bond, aye; William Young, aye; John Foody, aye; Robert Dell, absent; Jeffrey Golda, aye and Michael Mandel, 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 26, 2013**

**Town of Orangetown Planning Board**



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