

Meeting of January 13, 2016
Town of Orangetown Planning Board

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

MEMBERS ABSENT: None

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:

Verizon Wireless Site Plan	PB #16-01
Prepreliminary/ Preliminary/ Final Site Plan Review and SEQRA Review Above Ground Fuel & Secondary Containment System Plan 2000 Corporate Drive, Orangeburg 73.15/1/19; LIO zoning district	Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec.

Dominican College Hennessey Center Site Plan	PB #16-02
Reapproval of PB #13-17, Final Site Plan Approval Subject to Conditions 470 Western Highway, Orangeburg 70.18/2/14; R-40 zoning district	Reapproval of Final Site Plan Approval Subject to Conditions Reaffirmation of Neg. Dec.

319 Blauvelt Road Minor Subdivision Plan	PB #16-03
Final Subdivision Plan Review 319 Blauvelt Road, Pearl River 69.09/5/74; R-15 zoning district	Final Subdivision Plan Approval Subject to Conditions

Verizon Wireless Telecommunication Facilities Plan	PB #16-04
68 Sickletown Road Site Prepreliminary/ Preliminary Site Plan, Special Permit and SEQRA Review 68 Sickletown Road, Orangeburg 69.19/1/6; R-40 zoning district	Applicant Requested CONTINUATION: Radio Frequency Consultant to be selected

Other Business:

- The Planning Board reviewed a Town Board Referral regarding review and recommendation of a proposed zone change relating to Prohibited Uses: Amending Chapter 43, § 4.4.1, 4.42 and 4.45 of the Town Code. The Planning Board consented to the Town Board to act as Lead Agency and the Planning Board as an interested agency in SEQRA review.
- The Planning Board reviewed, approved and signed a consent letter for Brooker Engineering to act as its Drainage Consultant and accepted the 2016 Service Fees.

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

Since there was no further business to come before the Board, a motion to adjourn the meeting was made by Stephen Sweeney and seconded by Michael Mandel, and agreed to by all in attendance. The meeting was adjourned at 9:03 p.m. The next Planning Board meeting is scheduled for January 27, 2016.

DATED: January 13, 2016

Cheryl Coopersmith

Chief Clerk Boards and Commissions



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PB #16-01: Verizon Wireless Site Plan – Fuel Storage Expansion Plan - Preliminary Approval Subject to Conditions - Neg. Dec.

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TO: Donald Brenner, 4 Independence Avenue, Tappan,
New York 10994

FROM: Orangetown Planning Board

RE: Verizon Wireless Site Plan: The application of CellCo Partnership, owner, (Donald Brenner, attorney for the owner) for Prepreliminary/ Preliminary/ Final Site Plan Review for **the installation of an above ground fuel and secondary containment system to support generators** already on site, at a site known as **“Verizon Wireless Site Plan”** in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21A of the Code of the Town of Orangetown and to determine the environmental significance of the application pursuant to the requirements of the New York State Environmental Quality Review Act. The site is located at 2000 Corporate Drive, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 73.15, Block 1, Lot 19 in the LIO zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held, **Wednesday, January 13, 2016** at which time the Board made the following determinations:

Donald Brenner, Joseph Modafferi and Daniel Lofrisco appeared and testified for the applicant.

The Board received the following communications:

1. Project Review Committee Report dated January 6, 2016.
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 January 13, 2016.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated January 7, 2016.
4. A letter from the Rockland County Department of Planning, from Douglas Schuetz, Acting Commissioner of Planning, signed by Arlene Miller, Deputy Commissioner of Planning, dated January 13, 2016.
5. A letter from the Rockland County Department of Highways, signed by Sonny Lin, P.E., dated January 7, 2016.
6. Letters from the Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated November 19 & 23, 2015.

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7. A letter from the Rockland County Sewer District No.1, signed by Joseph LaFiandra, Engineer II, dated December 30, 2015.
8. A letter from the Town of Orangetown Zoning Board of Appeals signed by Dan Sullivan, Chairman, dated November 18, 2015.
9. A Short Environmental Assessment Form, signed by Joseph Modafferi, Jr., RLA, dated October 2015.
10. A copy of the Building Department Referral, dated October 26, 2015.
11. Site Plans prepared by JMC and WB Engineers & Consultants dated October 30, 2015:
 - T-001: Cover Sheet
 - C-301.00: Overall Existing Conditions Map
 - C-302.00: Overall Site Plan
 - C-303.00: Existing Conditions Map
 - C-304.00: Site Layout Plan
 - C-305.00: Site Grading Plan
 - C-306.00: Site Erosion and Sediment Control Plan
 - C-401.00: Construction Details
12. Site Plans prepared by JMC and WB Engineers & Consultants dated October 2, 2015, revised October 30, 2015:
 - M-001.00: Mechanical Symbols, Notes and Specifications
 - M-201.00: Mechanical Specifications
 - M-202.00: Mechanical Specifications II
 - M-203.00: Mechanical Specifications III
 - M-204.00: Mechanical Specifications IV
 - M-205.00: Mechanical Specifications V
 - M-301.00: Mechanical Site Plan
 - M-501.00: Fuel Oil System Flow Diagram
 - E-001.00 Electrical Symbols, Notes and Abbreviations
 - E-101.00 Electrical Panel Schedules
 - E-201.00 Electrical Specifications
 - E-301.00 Electrical Power Plan

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

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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 Michael Mandel and seconded by William Young and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, aye; William Young, aye; Robert Dell, aye; Stephen Sweeney, aye; Michael Mandel, aye and Thomas Warren, aye, the Board declared itself Lead Agency.

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

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 JMC and WB Engineers & Consultants and having heard from the following offices, officials and/or Departments: (Town of Orangetown): Project Review Committee, Office of Building, Zoning, Planning Administration and Enforcement and Department of Environmental Management and Engineering, and having heard from the following involved and interested agencies: Town of Orangetown Zoning Board of Appeals, Rockland County Sewer District No. 1, Rockland County Department of Health, and having reviewed the Site Plan, 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;

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- 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 Thomas Warren and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, aye; William Young, aye; Robert Dell, aye; Michael Mandel, aye; Stephen Sweeney, aye and Thomas Warren, aye, the Board made a Negative Declaration pursuant to SEQRA.

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

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

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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. Provide the Zone District Boundary Lines on the Site Plan.
4. Provide parking calculations on the Site Plan.
5. Label the type of fuel for all existing and proposed storage tanks shown on the plan.
6. Provide details of the proposed storage tank such as dimensions, overall height, etc.
7. Provide setbacks to property lines for the proposed storage tank on the plan.
8. Provide types of screening proposed for the storage tank on the plan.
9. The application shall be reviewed by the Town of Orangetown Architecture and Community Appearance Board of Review (ACABOR).
10. The application shall be reviewed by the Town of Orangetown Zoning Board of Appeals for Performance Standards.
11. Please confirm if any additional lighting is proposed for this application.
12. All agency approvals, such as Rockland County Health Department and/ or New York State Department of Environmental Conservation shall be obtained for the storage tank.
13. The Short Environmental Assessment Form appears to be in order.
14. A detail for the crossing through the existing sanitary sewer easement shall be added to the plans.
15. The page and liber or instrument number, as well as ownership for all easements/ dedications shall be given on the plans.
16. The grade level fill box shown on drawing M301.00 shall be relocated out of the existing easement.

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17. A note shall be added to the plans (T001, C302.00, C304.00) that the owner/ applicant will contact the Town of Orangetown's Sewer Inspector prior to construction to coordinate inspection of the proposed work in the Town of Orangetown sanitary sewer easement.

18. The existing fence shown on the Site Plan shall be extended 30 to 40 feet past the fuel storage tank in order to screen the ground fuel and secondary containment system.

19. An Oil Separator shall be incorporated into the catch basin system and construction details shall be provided on the Site Plan. This information shall be submitted to the Board with the Final Planning Board submittal.

20. Specifications of the metal containment system shall be provided on the Site Plans and be submitted to the Planning Board with the Final Planning review.

21. The Landscaping Plan shall be submitted to the Planning Board for review and approval, after review by ACABOR.

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

- As indicated in the Rockland County Department of Health's letter dated November 23, 2015, a review and approval will be needed from the Department's Petroleum Bulk Storage Program prior to construction on the site.
- The Borough of Old Tappan, New Jersey is the reason this proposal was referred to Rockland County Planning Department for review. The municipal boundary is located directly south of the site. As required under Section 239n of the State General Municipal Law, the Borough of Old Tappan, New Jersey must be given the opportunity to review the proposed site plan and provide any concerns related to the project to the Town of Orangetown.

23. The Rockland County Department of Highways reviewed the submitted information and held that the proposed action would not have adverse effect on the adjacent county highways. The location of the parcel lies over 500 feet of county road and a RCHD Work Permit will not be required for this development.

24. The Rockland County Department of Health reviewed the information and found that approval will be needed from the Department's Petroleum Bulk Storage Program prior to construction. The applicant shall contact Ebi Elaahi at 845-364-2605 to coordinate.

25. 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.

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

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

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

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

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

- a. No construction equipment shall be parked under the tree canopy.
- b. There will be no excavation or stockpiling of earth underneath the trees.
- c. Trees designated to be preserved shall be marked conspicuously on all sides at a 5 to 10 foot height.
- d. The Tree Protection Zone for trees designated to be preserved will be established by one of the following methods:

- One (1) foot radius from trunk per inch DBH.
- Drip line of the Tree Canopy. The method chosen should be based on providing the maximum protection zone possible. A barrier of snow fence or equal is to be placed and maintained one yard beyond the established tree protection zone. If it is agreed that the tree protection zone of a selected tree must be violated, one of the following methods must be employed to mitigate the impact:

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Continuation of Condition #30...

- 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.

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

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

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

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

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

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

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

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

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

Dated: January 13, 2016

Cheryl Coopersmith

Chief Clerk Boards and Commissions



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

**PB #16-01: Verizon Wireless Site Plan – Fuel Storage Expansion Plan -
Preliminary Approval Subject to Conditions - Neg. Dec.
January 13, 2016**

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: Verizon Wireless Site Plan – Fuel Storage Expansion Plan

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

DESCRIPTION OF ACTION: Site Plan

LOCATION: The site is located at 2000 Corporate Drive, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 73.15, Block 1, Lot 19 in the LIO zoning district.

REASONS SUPPORTING THIS DETERMINATION:

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

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

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

For Further Information contact:

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

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

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**PB #16-02: Dominican College Health Center Expansion Site Plan–
Reapproval of Final Site Plan Approval Subject to Conditions;
Reaffirmation of SEQRA**

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TO: Joseph Corless Associates, 48 Michael Roberts Court, Pearl River,
New York 10965
FROM: Orangetown Planning Board

RE: Dominican College – Hennessy Student Center Addition Site Plan:
The application of Dominican College, applicant, Rockland County IDA, owner,
(Brian Quinn, Attorney for the owner), for Reapproval of PB #13-17; Final Site
Plan Approval at a site to be known as **“Dominican College – Hennessy
Student Center Addition Site Plan”**, in accordance with Article 16 of the Town
Law of the State of New York, the Land Development Regulations of the Town of
Orangetown, Chapter 21A of the Code of the Town of Orangetown and
Reaffirmation of SEQRA. The site is located at 470 Western Highway,
Orangeburg, Town of Orangetown, Rockland County, New York, and as shown
on the Orangetown Tax Map as Section 70.18, Block 2, Lot 14 in the R-40 zoning
district.

Heard by the Planning Board of the Town of Orangetown at a meeting held
Wednesday, January 13, 2016, the Board made the following determinations:

Joseph Corless, Brian Quinn, Michael Dempsey and Sister Kathleen Sullivan
appeared and testified. The Board received the following communications:

1. Project Review Committee Report dated January 6, 2016.
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 January 13, 2016.
3. An Interdepartmental memorandum from the Department of Environmental
Management and Engineering (DEME), Town of Orangetown, signed by
Bruce Peters, P.E., dated January 7, 2016.
4. A letter from Brooker Engineering, Planning Board Drainage Consultant,
signed by Kenneth DeGennaro, P.E., dated January 6, 2016.
5. A letter from the Rockland County Department of Planning, signed by
Douglas Schuetz, Acting Commissioner of Planning, dated
December 21, 2015.
6. A letter from the Rockland County Department of Health, signed by
Scott McKane, P.E., Senior Public Health Engineer, dated December 9, 2016.
7. Site Plans prepared by Corless and Associates, dated January 31, 2013,
revised December 1, 2015:
 - Sheet 1: Amended Site Development Plan
 - Sheet 2: Existing Site
 - Sheet 3: Grading Plan
 - Sheet 4: Details
 - Sheet 5: Soil Erosion Control Plan

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**PB #16-02: Dominican College Health Center Expansion Site Plan–
Reapproval of Final Site Plan Approval Subject to Conditions;
Reaffirmation of SEQRA**

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- 8. A copy of the Stormwater Management Report and Water Quantity System Design, prepared by Corless and Associates, dated February 4, 2013, revision 1, dated December 1, 2015.
- 9. A letter from Corless Associates dated December 1, 2015, signed by P. Joseph Corless.
- 10. Copies of the following Board Decisions: PB #13-17, Final Site Plan Approval Subject to Conditions, dated April 24, 2013, ACABOR #13-13, Approved subject to Conditions, dated April 4, 2013; ZBA #11-96, Floor Area Ratio and Building Height Variances Approved, dated November 16, 2011 and PB #11-40, Preliminary Site Plan Approval Subject to Conditions, dated September 14, 2011.

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

REAFFIRMATION OF SEQRA

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

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 Corless and Associates, the Town of Orangetown's engineering consultant, and having heard from the following offices, officials and/or Departments: (Town of Orangetown): Project Review Committee, Office of Building, Zoning, Planning

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**PB #16-02: Dominican College Health Center Expansion Site Plan–
Reapproval of Final Site Plan Approval Subject to Conditions;
Reaffirmation of SEQRA**

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Administration and Enforcement and Department of Environmental Management and Engineering, and having heard from the following involved and interested agencies: Rockland County Department of Highways, Rockland County Sewer District No. 1, Town of Orangetown Zoning Board of Appeals, and having reviewed the proposed Site Plans, 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, Chairman, aye; Bruce Bond, Vice Chairman, aye; William Young, aye; Robert Dell, aye; Michael Mandel, aye; Stephen Sweeney, aye and Thomas Warren, aye, the Board made a Negative Declaration pursuant to SEQRA.

DECISION: In view of the foregoing and the testimony before the Board, the application was granted **Reapproval of Final Site Plan Approval Subject to the Following Conditions:**

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Reapproval of Final Site Plan Approval Subject to Conditions;
Reaffirmation of SEQRA**

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1. The following note shall be placed on the Site Plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a Pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a Meeting."
2. Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations
3. The applicant shall comply with all pertinent and applicable conditions of previous Board Decisions: PB #13-17, Final Site Plan Approval Subject to Conditions, dated April 24, 2013, ACABOR #13-13, Approved subject to Conditions, dated April 4, 2013, ZBA #11-96, Floor Area Ratio and Building Height Variances Approved, dated November 16, 2011 and PB #11-40, Preliminary Site Plan Approval Subject to Conditions, dated September 14, 2011.
4. The applicant shall confirm the proposed addition is the same as previously approved by the Planning Board under Decision PB #13-17, Final Site Plan Approval Subject to Conditions, dated April 24, 2013.
5. The applicant shall appear at the Town of Orangetown Zoning Board of Appeal for Reapproval of the variances granted under Decision ZBA #11-96 provided they have not changed.
6. The revised Stormwater Management Plan is under review by DEME.
7. A post construction stormwater maintenance agreement in accordance with NYSDEC Phase II regulations for the proposed stormwater systems shall be submitted to DEME and the Town of Orangetown Town Attorney's Office for review and approval. Said agreement shall include a maintenance and management schedule, inspection check list, contact person with telephone number, yearly report to be submitted to DEME.
8. The revised soil erosion and sediment control plans and details are under review by DEME.
9. The Drainage Consultant to the Planning Board, Brooker Engineering, it is the opinion of the consultant that the application sufficiently demonstrates that potential significant adverse impacts with respect to drainage can be mitigated and therefore recommends that Dominican College Hennessy Student Center Gymnasium Addition be approved for drainage subject to the following conditions:

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Continuation of Condition #9....

This is the second drainage review report for this project to the Planning Board; the last drainage review report was dated April 23 2013. The project is an 80 feet by 116 feet, two-story addition to the Hennessy Center gymnasium located at the Dominican College campus on Western Highway. The addition is to be constructed in the rear (east) side of the existing Hennessy Center. The footprint of the proposed addition is currently paved parking, grass, and sidewalks.

The Hennessy Center is located on the east side of Western Highway, and stormwater runoff from the proposed building addition is directed to a drywell system north of the addition. Overflows from the drywell are piped to a storm drainage system that outlets to a drainage swale. This swale flows south parallel to the Town Trail at the Old Erie Railroad bed.

Project Comments:

1. Footing drains shall be shown for the addition.
2. The effective depth of the drywell in the drainage calculations shall be measured to the invert of the outlet pipe.
3. The drainage report shows an increase in stormwater runoff from existing to proposed conditions and sizes the drywells to mitigate against increase in stormwater runoff volume. A routing through the detention system shall be performed to demonstrate no increases in peak runoff rates. The drywells as designed provide storage for less than one inch of rainfall runoff from the proposed roof area.
4. Reference to the dry pond in Section 3.2 of the drainage report shall be removed and replaced with the current proposed drywell systems.

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

- An undated review shall be completed by the Rockland County Department of Highways and any required permits obtained.
- An updated review must be completed by the Rockland County Department of Health, and all required permits obtained.

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Continuation of Condition #10....

- The proposed addition is labeled on the Site Plan as a two-story, 9,020 square foot addition. However, the measurements shown on the plan depicts that this addition will be approximately 80' x 114' (~9,020) so this square footage is one for ne story. If this is in fact a two-story addition, would not the square footage be doubled or approximately 18,040 square feet? It must be clarified as to how the square footage was derived, and corrected, on both the building and in the square footage listing provided under the bulk regulations, if this is incorrect' and the total building area should be listed as 73,040 square feet.
- A landscaping plan that meets all Town of Orangetown requirements shall be provided.
- Signage and Lighting Plans must be provided and meet all Town of Orangetown requirements.
- Water is a scarce resource in Rockland County; thus proper planning and phasing of this project are critical to supplying the current and future residents of the Towns, Villages and County with an adequate supply of water. The water system must be evaluated to determine if the additional water supply demands of the proposed development can be met. Domestic and fire demands of the proposed must be determined by a NYS licensed professional engineer and provided to the supplier of water for analysis. Demand calculations and results of the analysis must be provided to the Rockland County Department of Health for review.
- It must be demonstrated that access to the fire zones are unimpeded by other parking areas and maneuverability on the site feasible.
- The fire department connections shall be designated on the Site Plan and kept clear for easy access by the emergency response vehicles.
- If any variances are needed to implement the proposed site plan, the Rockland County Department of Planning requests the opportunity to review the proposed variances, as required by New York State General Municipal Law, Section 239-m(3)(v).
- The specific Fire District shall be listed under "Districts – Zoning" heading.

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11. The Rockland County Department of Health reviewed the project had had the following comments:

1. Rockland County Department of Health must approve plans for the sewage disposal by per Article IV, Section 4.2.1 of the Rockland County Sanitary Code. Formal application is to be made.

12. The Town of Orangetown Fire Prevention Bureau had the following comments in regards to the addition that includes a gym, exercise area and storage. These comments shall be placed on the Site Plan as notes:

1. Extend the Fire Sprinkler into the new area.
2. Extend the Fire Alarm system into the new area.
3. Proposals for the Sprinkler and Fire Alarm shall be submitted to Town of Orangetown Fire Prevention Bureau for approvals before work begins.
4. Add portable Fire Extinguishers as required by NFPA 10.
5. Add Emergency Lighting as per NEC.
6. Consider Fire Department access as per 503 of the New York State Fire Code.

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

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

15. 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.

16. The following note shall be placed on the Site Plan:

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

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Continuation of Condition #16...

- 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.

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

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

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

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

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

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

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

Override

The Board made a motion to override Condition #3 of the December 21, 2015 letter from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, for the following reasons:

#3. Parking calculations that demonstrate that the proposed plan meets the applicable Town parking requirements shall be added to the Site Plan. The calculations shall include the overall parking calculations for the campus.

The Board held that the proposed addition is located on a campus setting and that there is adequate parking in the parking lot across the street from the site. The Board previously Overrode this Condition in PB #11-40, Preliminary Site Plan Approval Subject to Conditions, dated September 14, 2011.

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A motion to override Condition #3 of the December 21, 2015 letter was made and moved by Bruce Bond and seconded by Michael Mandel and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, aye; Robert Dell, aye; Michael Mandel, aye; Thomas Warren, aye; William Young, aye and Stephen Sweeney, aye.

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

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

Dated: January 13, 2016

Cheryl Coopersmith

Chief Clerk Boards and Commissions



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**PB #16-03: 319 Blauvelt Road Minor Subdivision; 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: 319 Blauvelt Road Minor Subdivision Plan: The application of Jay Theise, applicant, for Joseph Rooney, owner, (Donald Brenner, attorney for the applicant), for Final Subdivision Plan Review, at a site to be known as "**319 Blauvelt Road Minor Subdivision Plan**", in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21 of the Code of the Town of Orangetown. The site is located at 319 Blauvelt Road, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 69.09, Block 5, Lot 74; in the R-15 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, January 13, 2016**, the Board made the following determinations:

Jay Greenwell, Jay Theise, Joseph Rooney and Donald Brenner appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated January 6, 2016.
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 January 13, 2016.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., January 7, 2016.
4. A letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated January 12, 2016.
5. A letter from Rockland County Department of Highway, signed by Sonny Lin, P.E., dated January 12, 2016.
6. Letters from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated December 9 & 22, 2015.
7. An Interdepartmental memorandum from the Bureau of Fire Prevention, signed by Michael Bettmann, Chief Fire Inspector, dated December 16, 2015.
8. Subdivision Plan prepared by Jay Greenwell, PLS, dated July 30, 2015, last revision date of December 14, 2015:
 - Sheet 1 of 2: Subdivision of Property for 319 Blauvelt Road
 - Sheet 2 of 2: Grading, Drainage & Utility Plan with Erosion Control
9. Copies of the following Board Decisions: ACABOR #16-02, Approved Subject to Conditions, dated January 7, 2016; ZBA #15-97, Approved, dated November 4, 2015: Lot Area and Lot Width Variances for Lot #1 and Street Frontage Variance for Lot #2; and PB #15-50, Preliminary Subdivision Plan Approval Subject to Conditions, dated October 14, 2015.

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The Board reviewed the plans and information submitted. The hearing was then opened to the Public.

Public Comment:

Michael Amabile, representing his parents, residents of 323 Blauvelt Road, Pearl River, raised concerns regarding the impact of the proposed subdivision upon the character of the neighborhood. He held that the orientation of the proposed house on Lot #1 would be the only house on that side of Blauvelt Road not facing the roadway.

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

DECISION: In view of the foregoing and the testimony before the Board, the application was **granted a Final Subdivision Plan Approval Subject to the Following Conditions:**

1. The following note shall be placed on the subdivision plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a Pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a Meeting."
2. Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.
3. The applicant shall comply with all applicable and pertinent previous condition of all Board decisions: ACABOR #16-02, Approved Subject to Conditions, dated January 7, 2016; ZBA #15-97, Approved, dated November 4, 2015: Lot Area and Lot Width Variances for Lot #1 and Street Frontage Variance for Lot #2; and PB #15-50, Preliminary Subdivision Plan Approval Subject to Conditions, dated October 14, 2015.

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4. Drainage shall be added on the west side of the driveway as requested by the Drainage Consultant.
5. Note #34 regarding the proposed one story residence to be constructed on Lot #1 shall be repeated and placed near "Lot #1" on the Subdivision Plan.
6. Provide sight distances on the Subdivision Plan at the driveway entrance on Blauvelt Road.
7. The portion of the existing sanitary house service that will not be utilized shall be labeled "to be removed."
8. A note shall be added to the Subdivision Plan indicating the source benchmark for the referenced datum, including the BM elevation.
9. The existing storm drain line that runs in front of the proposed subdivision, along Blauvelt Road, shall be fully shown on the drawings.
10. Drainage facilities shall be added to the proposed driveway and at the driveway approach at Blauvelt Road. It is understood that this is already being designed by the applicant's engineer/ surveyor.
11. The applicant's engineer shall specify whether the Perc Rate given in the supplied drainage calculation is assumed or based upon a field survey. If the per rate is assumed, a field Perc Test shall be administered prior to receiving final approval for site plan, to ensure adequacy of designed drainage system. The applicant's engineer shall provide a copy of the field Perc Test to DEMA and the Building Department.
12. The Drainage Consultant to the Planning Board, Brooker Engineering reviewed the application and found that drainage calculations were provided to demonstrate that increases to surface runoff from the site can be mitigated. Revised grading and stormwater improvements have been added to reduce stormwater runoff to the east. The Drainage Consultant therefore recommends that the 319 Blauvelt Road Subdivision be approved for drainage subject to the following comments:

This is the second drainage review report to the Planning Board for this project; the last review was dated October 14, 2015. The project is a two lot subdivision and includes the removal of all existing impervious areas consisting of the existing house, garage, driveway and shed. Two new houses and a new shared driveway at approximately the same location as the existing driveway are proposed to be constructed. The front yard is mostly grass and there is a small wooded area along the rear property line. The slope of the site is extremely flat, with stormwater runoff flowing very gradually to the east. It appears that the existing driveway is slightly elevated along the east property line compared to the adjacent grade, and the current front yard acts as a depression area to infiltrate runoff prior to entering the property to the east.

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Continuation of Condition #12...

The revised plans have added additional proposed grading for the reconstructed driveway that will cross slope the driveway west. A field inlet and drainage pipe have been added to direct flows from the rear yard of lot 1 to the storm drain system in the road; stormwater runoff to the existing off-site dwelling to the east will be reduced.

Project Comments

1. As per Comment 1 of the October 14, 2015 report, the stormwater runoff calculations consider the entire site and propose drywells to provide a mitigation of net increases of peak runoff rates. However, since the site is so flat it appears that runoff flows to the eastern property line at two points: near the location of the proposed garage on Lot 1 and near the northeastern corner of Lot 2. The drainage calculations shall be revised to demonstrate that no net increase of peak runoff rates at each point of interest is achieved.
2. Add spot grades for the turnaround area of the driveway north of the berm on Lot 2 that demonstrates that stormwater runoff will be directed south.
13. Based on the plans and information received, the requested subdivision layout should not have foreseeable adverse impact to existing county roads in the area and a Rockland County Department of Highway permit will not be required for the proposed development.
14. Based on the information provided, there are no Rockland County Health Department approvals needed for this application.
15. The Town of Orangetown Bureau of Fire Prevention offered the following comment which shall be noted and labeled on the Subdivision Plan:
 - The Driveway width must be a minimum of 12 feet with an unobstructed vertical clearance of 13 feet 6 inches.
16. The applicant shall comply with all pertinent items in the Guide to the Preparation of Subdivision Plats and Board Decisions prior to signing the final plans.
17. All reviews and approvals from various governmental agencies must be obtained prior to stamping of the Subdivision Plan.

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18. Where a reservation of land for recreation purposes has been deemed by the Planning Board to be inadequate, Money in Lieu of Land for recreation purposes must be collected in accordance with Section 21-20 of the Land Development Regulations (\$9,000.00 for every vacant new residential lot). In addition, for every new vacant residential lot, \$80.00 will be collected for the Stream Maintenance Fund.

19. 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.

20. 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.

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

22. 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.

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

24. 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).

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

26. 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

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27. 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 Thomas Warren and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, aye; Michael Mandel, aye; William Young, aye, Stephen Sweeney, aye; Robert Dell, aye and Thomas Warren, aye.

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

Dated: January 13, 2016

Cheryl Coopersmith
Chief Clerk Boards and Commissions



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