

**Meeting of July 22, 2015
Town of Orangetown Planning Board**

MEMBERS PRESENT: Kevin Garvey, Chairman; Thomas Warren; Michael Mandel; Stephen Sweeney and Robert Dell

MEMBERS ABSENT: Bruce Bond, Vice Chairman and William Young

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

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

Items:

Virginia Homes Subdivision Plan PB #15-30
Request for Two 90 day Extensions **Granted**
in Time to File the Subdivision Plan **Two 90 Day**
with Rockland County Clerk's Office **Extensions**
Williams Street & Sparkill Avenue, Sparkill
77.08/5/33.2 & 36; RG zoning district

Holt Construction Corporation Site Plan PB #15-31
Final Site Plan Review **Final Site Plan**
23 & 50 East Washington Ave., Pearl River **Approval Subject**
68.16/6/6 & 68.16/4/34; CS zoning district **to Conditions**

Pearl River Properties PB #15-32
Internal Commercial Subdivision Plan **Final Internal**
Prepreliminary/ Preliminary/ **Commercial**
Final Subdivision Plan **Subdivision Plan**
and SEQRA Review **Approval Subject to**
73 Route 304, Pearl River **Conditions/ Neg. Dec.**
68.19/4/16; CO zoning district

The Shops at Orangeburg Commons PB #15-33
Site Plan Final Site Plan Review **Final Site Plan**
2 Greenbush Road, Orangeburg **Approval Subject**
74.15/1/22; LI zoning district **to Conditions**

Orangeburg Commons Site Plan PB #15-34
Amendment to the Final Site Plan Review **Final Site Plan**
170 Route 303, Orangeburg **Amendment**
74.15/1/21; Route 303 Overlay Zone **Approval Subject**
and LI zoning district **to Conditions**

Bracken Site Plan PB #15-35
Critical Environmental Area **Postponed**
Prepreliminary/ Preliminary/Final Site Plan **to Sept. 9TH**
and SEQRA Review **Meeting**
31 Tweed Boulevard, Upper Grandview
Replacement of Retaining Wall and Patio
71.09/1/43; R-22 zoning district

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2015 SEP 1 AM 9 57
TOWN OF ORANGETOWN

**4-6 Dexter Park Internal
Commercial Subdivision Plan
Prepreliminary/ Preliminary/
Final Subdivision Plan
and SEQRA Review
4-6 Dexter Plaza, Pearl River
68.20/1/1./40; LI zoning district**

PB #15-36
**Final Internal
Commercial
Subdivision Plan
Approval Subject to
Conditions/ Neg. Dec.**

**60 – 70 West Dexter Plaza Condominium
Interior Commercial Subdivision Plan
Prepreliminary/ Preliminary/
Final Subdivision Plan
and SEQRA Review
60 - 70 Dexter Plaza, Pearl River
68.20/1/1./30; LI zoning district**

PB #15-37
**Final Internal
Commercial
Subdivision Plan
Approval Subject to
Conditions/ Neg. Dec.**

**Merritt Subdivision Plan
Final Subdivision Plan Review
390 Ehrhardt Road and
17 Merritt Drive, Pearl River
64.18/1/78.1 and 78.3; R-15 zoning district**

PB #15-38
**Final Subdivision Plan
Approval Subject
to Conditions**

**The Club at Pearl River
Amendment to Approved Site Plan
New Location of Water Main Subject
Prepreliminary/ Preliminary
Final Review and SEQRA Review
Blue Hill Road South and
Veterans Memorial Drive, Pearl River
73.10/1/4; PAC & OP zoning districts**

PB #15-39
**Final Site Plan Approval
to Conditions
Reaffirmation of SEQRA**

**Brightview Senior Living Tappan Site Plan
Prepreliminary/ Preliminary Site Plan
and SEQRA Review
31 Hunt Road, Pearl River
73.15/1/10; R-80 zoning district**

PB #15-40
**Continued to
Sept. 9th Meeting**

**American Legion Site Plan
Prepreliminary/ Preliminary Site Plan
and SEQRA Review
Ancillary Parking Facility Plan
61 Hunt Road, Pearl River
73.15/1/2; R-80 zoning district**

PB #15-41
**Continued to
Sept. 9th Meeting**

**One Ramland Road Site Plan Amendment
Generator Location
Prepreliminary/ Preliminary/
Final Site Plan Amendment Plan
and SEQRA Review
1 Ramland Road, Orangeburg
73.20/1/24; LIO zoning district**

PB #15-42
**Preliminary Site Plan
Approval Subject to
Conditions/ Neg. Dec.**

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SEP 9 1 00 PM '15
TOWN OF ORANGETOWN

Other Business:

MTA Cell Tower at the Pearl River Train Station Parking Facility located at 138-144 South Pearl Street, Pearl River; Section 68.20, Block 5, Lot 71.

The Board reviewed a letter from IVI Telecom Services, dated June 26, 2015 signed by Andrew Maziarski, Cultural Resources Manager. The Mr. Maziarski wrote the letter on behalf of the MTA to solicit the Boards input concerning the proposed construction of a 180 foot monopole telecommunication tower and ancillary equipment at the Pearl River Train Station property and potential impacts on historic architectural and/or archaeological resources.

After review of the submitted information and plan, the Board held that the proposed 180 foot monopole telecommunication tower and ancillary equipment at the Pearl River Train Station property was out of scale and inappropriate with the surrounding neighborhood architectural features.

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 Kevin Garvey, Chairman, and agreed to by all in attendance. The meeting was adjourned at 9:40 p.m. The next Planning Board meeting is scheduled for September 9, 2015.

DATED: July 22, 2015
Cheryl Coopersmith
Chief Clerk Boards and Commissions



TOWN OF ORANGETOWN
2015 SEP 1 PM 9 57
TOWN CLERKS OFFICE

PB#15-30: Virginia Homes Subdivision – Granted Two 90 Day Extensions (180 Days) to File the Subdivision with the Rockland County Clerk’s Office

Town of Orangetown Planning Board Decision

July 22, 2015

Page 1 of 1

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

RE: Virginia Homes Subdivision Plan: The application of Jay Greenwell, applicant, for Two 90 Day Extensions to File the Subdivision Plan with the Rockland County Clerk’s Office, at a site to be known as “**Virginia Homes 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 on the south side of Williams Street at the intersection of William Street and Sparkill Avenue, Sparkill, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 77.08, Block 5, Lots 33.2 & 36 in the RG zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, July 22, 2015**, at which time the Board made the following determinations:

The Board received the following communications:

1. A Project Review Committee Report dated July 15, 2015.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated July 22, 2015.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated July 16, 2015.
4. A copy of PB #13-43, Final Subdivision Plan Approval Subject to Conditions, dated October 16, 2013.

DECISION: In view of the foregoing, the Board Granted Two 90 Day Extensions to File the Subdivision Plan with the Rockland County Clerk’s Office.

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

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

Dated: July 22, 2015
Cheryl Coopersmith
Chief Clerk Boards and Commissions



TOWN CLERKS OFFICE
2015 SEP 1 PM 9 57
TOWN OF ORANGETOWN

**PB #15-31: Holt Construction Corporation Site Plan: Final Site Plan
Approval Subject to Conditions**

Town of Orangetown Planning Board Decision

July 22, 2015

Page 1 of 9

TO: John Atzl, 234 North Main Street, New City, New York
FROM: Orangetown Planning Board

RE: Holt Construction Corp. Site Plan: The application of Holt Construction Corporation, applicant, for John F. Holt, owner, (Patricia Zugibe, attorney for the applicant), for Final Site Plan Review, at a site to be known as "Holt Construction Corp. 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. The site is located on the 23 & 50 East Washington Avenue, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map: Section 68.16, Block 6, Lot 6 & Section 68.16, Block 4, Lot 34; CS zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, July 22, 2015**, the Board made the following determinations:

John Atzl and William Holt appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated July 15, 2015.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated July 22, 2015.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated July 16, 2015.
4. A letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated July 21, 2015.
5. A letter from the Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated July 14, 2015.
6. A letter from the Rockland County Department of Highways, signed by Sonny Lin, P.E., dated July 20, 2015.
7. A letter from the Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated June 23, 2015.
8. A letter from Atzl, Nasher & Zigler P.C., dated April 23, 2015.
9. An Email from Sandy and Thomas O'Brien, East Washington Avenue, Pearl River.
10. Copies of the following Board Decisions: ACABOR #15-35, Approved Subject to Conditions, dated June 18, 2015; ZBA#15-45, Front Yard, Side Yard, Total Side Yard, Rear Yard, Section 3.11 Note 2 Buffer and Section 6.33 Location and ownership Variances Approved, dated June 3, 2015 and PB#15-16, Preliminary Site Plan Approval Subject to Conditions, Neg. Dec., dated April 22, 2015.
11. Holt Construction Corp. Site Plans, prepared by Atzl, Nasher & Zigler P.C. dated February 19, 2015, last revised June 5, 2015:
 - Drawing 1 of 5: Existing Conditions
 - Drawing 2 of 5: Site Development Plan
 - Drawing 3 of 5: Detail Plan
 - Drawing 4 of 5: Erosion and Sediment Control Plan
 - Drawing 5 of 5: Landscaping & Lighting Plan

TOWN CLERKS OFFICE

2015 SEP 1 11 09 AM

TOWN OF ORANGETOWN

**PB #15-31: Holt Construction Corporation Site Plan: Final Site Plan
Approval Subject to Conditions**

**Town of Orangetown Planning Board Decision
July 22, 2015
Page 2 of 9**

The Board reviewed the plan and photographs.

The hearing was then opened to the Public.

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

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

1. The following note shall be placed on the Site Plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a Pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a Meeting".
2. 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 previous Board Conditions: ACABOR #15-35, Approved Subject to Conditions, dated June 18, 2015; ZBA#15-45, Front Yard, Side Yard, Total Side Yard, Rear Yard, Section 3.11 Note 2 Buffer and Section 6.33 Location and ownership Variances Approved, dated June 3, 2015 and PB#15-16, Preliminary Site Plan Approval Subject to Conditions, Neg. Dec., dated April 22, 2015.
4. The Stormwater Management Design Report is under review by DEME, however, page 2, Section 4.1 "existing conditions" states that the drainage area delineation is shown on map E-1 (of the drainage report) but there is no clear delineation of the drainage areas on said map. This shall be corrected. Also, perc tests and soil tests shall be performed in the areas of the proposed infiltration system, to ensure the adequacy of the design. The design storm numbers used in the design report shall coincide with the new *New York State Stormwater Management Design Manual – January 2015* (i.e. 1yr. – 2.8, 10yr.- 5.2. 100yr. – 9.2)

TOWN CLERKS OFFICE

2015 SEP 1 AM 9 58

TOWN OF ORANGETOWN

**PB #15-31: Holt Construction Corporation Site Plan: Final Site Plan
Approval Subject to Conditions**

**Town of Orangetown Planning Board Decision
July 22, 2015
Page 3 of 9**

5. The driveway location along East Washington Avenue is too close to the intersection of North William Street and East Washington Avenue. The driveway is supposed to be at least 50 feet from the intersection. It is understood that moving the driveway entrance along East Washington Avenue 50 feet to the west may not be possible, therefore, in an effort to gain more distance from the intersection, both driveway entrances shall be reduced to 12 – 15 feet wide. Also, the driveway along North William Street shall be signed and marked (painted arrow) as entrance only, the driveway along East Washington Avenue shall be signed and marked as exit only.
6. There is currently a striped crosswalk in front of the proposed parking lot (running north to south) across East Washington Avenue. This shall be shown on the drawings. The driveway entrance into the proposed parking lot appears to be "in-line" with this existing cross walk. The applicant will work with the Orangetown Highway Department to alter/ relocate this crosswalk.
7. The location of all existing utilities that service the exiting house (on the parking lot site), shall be shown. Also, the sanitary sewer house connection shall be labeled to be cut and capped.
8. The location of the existing sanitary building connections (in the building lot – 68.16-6-6)), shall be shown on the drawing. A sanitary building connection shall be shown for the proposed addition, if applicable.
9. Post construction Stormwater Maintenance Agreements shall be provided for the proposed stormwater facilities. These shall be submitted to DEMA and the Town of Orangetown Town Attorney's office for review and approval, in content and form.
10. An additional catch basin shall be added to the South side of the proposed entrance to the parking lot.
11. North William Street shall be widened uniformly along the proposed parking lot, 10 feet off of the property line/ Right-of-way along the western border for the length of the lot.
12. The trench drain and catch basin along the North William street exit shall be relocated closer to the actual intersection with the road.
13. An overflow for the proposed drywell system on the Building lot shall be added to the plans.
14. The plans shall clearly state what is to happen with the portion of the existing driveway on lot 68.16-6-6 that will no longer be needed (i.e. remove and top soil and seeded, etc.)

TOWN CLERKS OFFICE
SEP 1 10 58
TOWN OF ORANGETOWN

**PB #15-31: Holt Construction Corporation Site Plan: Final Site Plan
Approval Subject to Conditions**

**Town of Orangetown Planning Board Decision
July 22, 2015
Page 4 of 9**

15. The Drainage Consultant to the Planning Board, Brooker Engineering reviewed the application and found the application has provided support information to demonstrate mitigation of increases to peak stormwater runoff rates can be achieved and therefore recommends that the Holt Site Plan be approved for drainage subject to the following comments:

Project Description:

This is the Drainage Consultant's second drainage review report to the Planning Board for this project; the first review was dated April 21, 2015. The project contains two parcels; the first is located at the corner of North William Street and East Washington Avenue and the second is located on the south side of East Washington Avenue, just east of the North William Street intersection. Each parcel flows downhill in a southeasterly direction. The North William Street parcel contains an existing dwelling to be removed and replaced with a new parking lot. The East Washington parcel contains an existing office building and parking and a new 1334 square feet building addition is proposed at the southwest corner of the site. For ease of construction, stormwater runoff from the existing building on the north side of the East Washington Parcel is proposed to be intercepted and directed to the new detention system. This is an acceptable and conservative methodology. Each parcel proposes independent stormwater detention areas to mitigate against increases in stormwater runoff as a result of the new impervious areas from the proposed construction.

Project Comments

1. As per the Consultant's first review dated April 21, 2015, show proposed grading on the west side of the new building. The natural drainage pattern is for off-site runoff to flow in a southeasterly direction toward the new building; the new building may impede the existing flow of stormwater runoff. Proposed grades shall be added that show runoff directed away from and around the building without negatively impacting the neighboring properties. Some proposed spot grades have been added north of the building that show a nominal slope away from the building; this slope shall be increased. Additional spot grades are needed along the west side of the existing building and building addition and the southeast corner of the building addition.

TOWN CLERKS OFFICE
2015 SEP 1 PM 9 58
TOWN OF ORANGETOWN

**PB #15-31: Holt Construction Corporation Site Plan: Final Site Plan
Approval Subject to Conditions**

Town of Orangetown Planning Board Decision

July 22, 2015

Page 5 of 9

2. As per the April 21, 2015 review, the drywell detail shows a solid cover. Show the overflow exit for the drywells and the overland flow path. Show that the overland flow pattern will not be directed to the property to the east. As per the applicant's response, overflows that discharge via the roof leader overflow point are discharging to a point adjacent to the building where the topographic survey shows the slope directed toward the building. Furthermore, the roof leaders are all proposed to be piped to this point; while this is sufficient with respect to the overall site drainage, the plan shall indicate that overflows at this point within the site will not negatively impact the existing building. The site plan as currently designed shows stormwater overflows will be directed toward the building.
3. As per the April 21, 2015 review, a slab on grade construction with no basement is proposed, which shall be indicated by a map note on the site plan. Additional detail is needed to show proposed grades with positive drainage away from the building in all directions, specifically the west side of the building and the southeast side of the building addition shows a low point that shall be addressed.
4. As per the April 21, 2015 review, the applicant has added trench drains across the parking lot entrances to ensure runoff from the parking lots no bypass the detention system. The drainage report shall be updated to show the trench drains and subareas.
5. As per the April 21, 2015 review, WS#2 is incorrectly labeled WS#1 on the page 8 of the drainage report. The narrative response states this comment will be addressed; however, it has not been addressed for this submission.
6. As per the April 21, 2015 review, the available storage in the detention systems will only store 1.3 inches of rainfall over the new impervious area for WS#1 and 1.0 inches of rainfall for WS#2. The volume of storage shall be increased and/or an alternate hydrologic method shall be used to show a routing of peak flows. Under the current design, the basins will fill quickly and then inflows will leave via the overflow pipe and no reduction in peak flows will occur during the design storms. The Drainage Consultant believes an increase in volume size can accommodate mitigation against potential adverse impacts with respect to stormwater runoff. The narrative response states this comment will be addressed' however, it has not been addressed for this submission.
7. As per the April 21, 2015 review, Stone volume below the drywell invert shall not be included in the available flood storage volumes. The narrative response states this comment will be addressed; however it has not been addressed for this submission.
8. As per the April 21, 2015 review, provide a sump in the catch basin detail with a hole in sump to dewater the basin and a hood over the outlet pipe. This comment has not been addressed by the recent submission.

TOWN CLERKS OFFICE

2015 SEP 1 AM 9 58

TOWN OF ORANGETOWN

**PB #15-31: Holt Construction Corporation Site Plan: Final Site Plan
Approval Subject to Conditions**

Town of Orangetown Planning Board Decision

July 22, 2015

Page 6 of 9

9. As per the April 21, 2015 review, the curbline along the west side of the North William Street Parking lot is on the property line; the existing off site building is close to the property line as well. Add more spot grades in this area to demonstrate the new curb will not impact the existing building and runoff can continue to be directed away from the existing off site building. Demonstrate car overhang in the parking stalls will not impact the off-site building or encroach over the property line. The applicant's response stated that there is two feet between the property line and curb line. A part plan of this area at a greater scale shall be provided as is it appears there is less than two feet between the curb face and property line. Additionally, the narrative response indicated that the angled parking allows only of a portion of the car will overhang the curb line. While this is true, the Drainage Consultant also notes that the short dimension of the angled parking stall is about 12 feet long. Cars will most often utilize the full depth and overhang of stall on the long side of the parking stall. This makes the distance between curb and property line more critical.

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

- As indicated in the June 1, 2015 letter from Rockland County Highway Department, prior to any construction on site, a Work Permit must be obtained.
- As indicated in the June 23, 2015 letter from the Rockland County Health Department, an application must be made to for review of the stormwater management system to ensure compliance with the County Mosquito Code.
- 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.
- There shall be no net increase in the peak rate of discharge from the site at all design points.
- The relocated sign must conform to the Town's sign standards.

TOWN CLERKS OFFICE
2015 SEP 1 AM 9 58
TOWN OF ORANGETOWN

**PB #15-31: Holt Construction Corporation Site Plan: Final Site Plan
Approval Subject to Conditions**

**Town of Orangetown Planning Board Decision
July 22, 2015
Page 7 of 9**

17. The Rockland County Department of Highways reviewed the plans and information received and found that a drainage report or calculations shall be shown to demonstrate that the detention system provided can accommodate migration against potential adverse impact for the storm water runoff. The proposed addition should not impact the existing county highway system. The subject site is less than 500 feet away from County roads, a Rockland County Highway Department Work Permit will be required for the proposed development prior to any construction on site.

18. The Rockland County Department of Health (RCDOH) reviewed the plan and offered the following comments:

- Application is to be made to the RCDOH for review of the storm water management system for compliance with the County Mosquito Code.

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

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

21. 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.

22. 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:

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

TOWN CLERKS OFFICE
THIS SEP 1 PM 9 58
TOWN OF ORANGETOWN

**PB #15-31: Holt Construction Corporation Site Plan: Final Site Plan
Approval Subject to Conditions**

Town of Orangetown Planning Board Decision

July 22, 2015

Page 8 of 9

Continuation of Condition #22...

- 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.

23. 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.

24. 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.

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

TOWN CLERKS OFFICE
2015 SEP 1 AM 9 58
TOWN OF ORANGETOWN

**PB #15-31: Holt Construction Corporation Site Plan: Final Site Plan
Approval Subject to Conditions**

**Town of Orangetown Planning Board Decision
July 22, 2015
Page 9 of 9**

26. 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).

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

28. 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

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

The foregoing Resolution was made and moved by Michael Mandel and seconded by Stephen Sweeney and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, absent; William Young, absent; Robert Dell, aye, Michael Mandel, aye, Stephen Sweeney 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: July 22, 2015
Cheryl Coopersmith
Chief Clerk Boards and Commissions



TOWN CLERKS OFFICE
2015 SEP 1 AM 9 58
TOWN OF ORANGETOWN

PB#15-32: Pearl River Properties Internal Commercial Subdivision - Final Interior Commercial Subdivision Plan Approved with Conditions/ Neg. Dec.

**Town of Orangetown Planning Board Decision
July 22, 2015
Page 1 of 7**

TO: Joseph Ceva, 35 West Jefferson Avenue, Pearl River,
New York 10983
FROM: Orangetown Planning Board

RE: Pearl River Properties Internal Commercial Subdivision Plan: The application of Joseph Ceva, applicant, for Pearl River Properties, LLC, owner for Preliminary/ Preliminary/ Final Internal Commercial Subdivision Plan Review at a site known as "**Pearl River Properties Internal Commercial 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 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 73 Route 304, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 68.19, Block 4, Lot 16; in the CO zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, July 22, 2015**, the Board made the following determinations:

Joseph Ceva appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated July 15, 2015.
2. An Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated July 22, 2015.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated July 16, 2015.
4. A letter from the Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated July 16, 2015.
5. A letter from the Rockland County Department of Highways, signed by Sonny Lin, P.E., dated July 17, 2015.
6. A letter from the Rockland County Sewer District No.1, signed by Joseph LaFiandra, Engineer II, dated June 26, 2015.
7. Letters from the Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated June 23, 2015.
8. A letter from the Town of Orangetown Zoning Board of Appeals, signed by Dan Sullivan, Chairman, dated June 17, 2015.
9. An Interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by Michael Bettmann, Chief Fire Inspector, dated July 16, 2015.

TOWN CLERKS OFFICE

THIS SEP 1 AM 9 58

TOWN OF ORANGETOWN

PB#15-32: Pearl River Properties Internal Commercial Subdivision - Final Interior Commercial Subdivision Plan Approved with Conditions/ Neg. Dec.

**Town of Orangetown Planning Board Decision
July 22, 2015
Page 2 of 7**

10. A Short Environmental Assessment Form, signed by Joseph Ceva, dated June 12, 2015.
11. Commercial Subdivision Plan prepared by Jay Greenwell, PLS, dated June 10, 2015.
12. Partial Floor Plan prepared by Kier Levesque, R.A., dated June 11, 2015.

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

There being no one from the Public, a motion was made to close the Public Hearing portion of the meeting by Stephen Sweeney and seconded by Thomas Warren and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, absent; Michael Mandel, aye; William Young, absent; Robert Dell, aye; Thomas Warren, aye and Stephen Sweeney, 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 Thomas Warren and seconded by Stephen Sweeney and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, absent; Michael Mandel, aye; William Young, absent; Robert Dell, aye; Thomas Warren, aye and Stephen Sweeney, 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 Kier Levesque and Jay Greenwell: and having heard from the following offices, officials and/or Departments: (Town of Orangetown): The Office of Building, Zoning, Planning Administration and Enforcement and Department of Environmental Management and Engineering; and having heard from the following involved and interested

TOWN OF ORANGETOWN
2015 SEP 1 AM 9 58
TOWN CLERKS OFFICE

PB#15-32: Pearl River Properties Internal Commercial Subdivision - Final Interior Commercial Subdivision Plan Approved with Conditions/ Neg. Dec.

Town of Orangetown Planning Board Decision

July 22, 2015

Page 3 of 7

agencies: Town of Orangetown Zoning Board of Appeals, Rockland County Sewer District No.1, Rockland County Department of Health, Rockland County Highway, and having reviewed proposed Internal Subdivision Plan by prepared by namely Kier Levesque and Jay Greenwell, a summary of the reasons supporting this determination are, and the Planning Board finds, that the proposed action:

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

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

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

TOWN CLERKS OFFICE
2015 SEP 1 AM 9 58
TOWN OF ORANGETOWN

PB#15-32: Pearl River Properties Internal Commercial Subdivision - Final Interior Commercial Subdivision Plan Approved with Conditions/ Neg. Dec.

Town of Orangetown Planning Board Decision

July 22, 2015

Page 4 of 7

1. The property has 3 buildings shown and labeled on the commercial subdivision plans as "A", "B" and "C". Buildings "A" and "B" are connected and being occupied by one tenant. The property owner wants to lease Building "C" to a different tenant. The applicant is requesting a commercial subdivision for two tenants, Building "A" and "B" as one and Building "C" for another. There are no exterior modifications or additions proposed at this time that would require a site plan approval. The Short Environmental Assessment Form (EAF) shall be amended under "Project Description" to read as "Commercial Subdivision of property to allow Buildings "A" and "B" to be leased for 1 tenant and Building "C" to be leased to a second tenant thereby creating 2 units for the existing buildings". The parcel will remain as one parcel under a single ownership. Otherwise the EAF appears to be in order.
2. The location of the existing sanitary sewer building connection(s) shall be shown for each building (from the buildings to the public main.)
3. The location of all bathroom facilities shall be added to the subdivision plan.
4. Rockland County Department of Planning had the following comments which are incorporated herein as conditions of approval:
 - A review must be completed by the New York State Department of Transportation and any required permits obtained.
 - Parking calculations for the lot must be included to ensure that adequate parking is provided for each building and its tenants.
 - As required by the Rockland County Stream Control Act, the subdivision plan must be reviewed and signed by the Chairman of the Rockland County Drainage Agency before the County Clerk can accept the plan to be filed.
5. The Rockland County Department of Highways reviewed the plans and found that the project as submitted should have minimum impact upon county roads in the area. The proposed development is more than 500 feet from the nearest county roads; a Rockland County Highway Work Permit will not be required for any proposed construction.

TOWN CLERKS OFFICE
2015 SEP 1 PM 9 58
TOWN OF ORANGETOWN

PB#15-32: Pearl River Properties Internal Commercial Subdivision - Final Interior Commercial Subdivision Plan Approved with Conditions/ Neg. Dec.

**Town of Orangetown Planning Board Decision
July 22, 2015
Page 5 of 7**

6. The Rockland County Health Department (RCDOH) reviewed the information provided and found that there are no RCDOH approvals needed for this application.

7. 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.

8. The Town of Orangetown Bureau of Fire Prevention reviewed the plan and offered the following comments:

In regard to a one lot to two parcel subdivision:

- 1) Install an NFPA 72 Compliant Fire Alarm system, Connected to Rockland County 44-Control, transmitting in Contact ID Format. With outside amber strobe as per Orangetown code.
- 2) Install Portable Fire Extinguishers according to NFPA 10
- 3) Install Emergency lighting as per NEC
- 4) Install Key box
- 5) Apply for and maintain a Certificate of Compliance Fire Safety with this office.
- 6) Clarify what is planned to be stored in warehouse

9. 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 No. 1
- Rockland County Department of Health
- Rockland County Department of Highways

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

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

12. All of the conditions of this decision, shall be binding upon the owner of the subject property, its successors and /or assigns, including the requirement to maintain the property in accordance with the conditions of this decision and the requirement, if any, to install improvements pursuant to Town Code §21. Failure to abide by the conditions of this decision as set forth herein shall be considered a violation of Subdivision Plan Approval pursuant to Town Code §21 and §6A.

TOWN OF ORANGETOWN
2015 SEP 1 AM 9 58
TOWN CLERKS OFFICE

PB#15-32: Pearl River Properties Internal Commercial Subdivision - Final Interior Commercial Subdivision Plan Approved with Conditions/ Neg. Dec.

**Town of Orangetown Planning Board Decision
July 22, 2015
Page 6 of 7**

13. 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.

14. 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.

15. 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.

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

TOWN CLERKS OFFICE
2015 SEP 1 PM 9 58
TOWN OF ORANGETOWN

PB#15-32: Pearl River Properties Internal Commercial Subdivision: Final Interior Commercial Subdivision Plan Approved with Conditions/ Neg. Dec.

Town of Orangetown Planning Board Decision

July 22, 2015

Page 7 of 7

17. 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).

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

19. 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

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

21. The correct address shall be placed on the site plan.

The foregoing Resolution was made and moved by Stephen Sweeney seconded by Michael Mandel and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, absent; Michael Mandel, aye; William Young, absent; 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: July 22, 2015
Cheryl Coopersmith
Chief Clerk Boards and Commissions
attachment



TOWN CLERKS OFFICE
2015 SEP 1 11 09 58
TOWN OF ORANGETOWN

NEGATIVE DECLARATION

**Notice of Determination of Non-Significance
Town of Orangetown Planning Board Decision**

**PB#15-32: Pearl River Properties Internal Commercial Subdivision Plan
Final Interior Commercial Subdivision Plan Approved with Conditions
July 22, 2015**

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: Pearl River Properties Internal Commercial Subdivision

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

DESCRIPTION OF ACTION: Interior Commercial Subdivision Plan

LOCATION: The site is located at 73 Route 304, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 68.19, Block 4, Lot 16; in the CO zoning district.

REASONS SUPPORTING THIS DETERMINATION:

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

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

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

For Further Information contact:

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

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

TOWN CLERKS OFFICE
2015 SEP 1 11 58
TOWN OF ORANGETOWN

PB #15-33: The Shops at Orangeburg Commons Site Plan: Final Site Plan Approval Subject to Conditions

**Town of Orangetown Planning Board Decision
July 22, 2015
Page 1 of 11**

TO: Geraldine Tortorella, Hocherman, Tortorella & Wekstein,
1 North Broadway, Suite 701, White Plains, New York 10601
FROM: Orangetown Planning Board

RE: **The Shops at Orangeburg Commons Site Plan:** The application of FB Greenbush LLC c/o RD Management LLC, applicant, for Tom Graff, owner, (Hocherman Tortorella & Wekstein, LLP, attorneys for the applicant), for Final Site Plan Review, at a site to be known as "**The Shops at Orangeburg Commons Site**"; 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 Orangetown. The site is located at 2 Greenbush Road, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map: Section 74.15, Block 1, Lot 22; LI zoning district;

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, July 22, 2015**, the Board made the following determinations:

Geraldine Tortorella, Justin Lim, and Alfred Rossi appeared and testified. The Board received the following communications:

1. Project Review Committee Report dated July 15, 2015.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated July 22, 2015.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated July 16, 2015.
4. A letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated July 21, 2015.
5. A letter from the Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated July 21, 2015.
6. A letter from the Rockland County Department of Highways, signed by Sonny Lin, P.E., dated July 22, 2015.
7. A letter from the Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated June 26, 2015.
8. A letter from CSX Railroad, signed by Thomas Pauly, Engineering Specialist, Corridor Occupancy Services, dated June 26, 2015.
9. An Email from Justin Lim dated July 22, 2015, with an attachment entitled Performance Bond – Public (Greenbush Road ROW) Improvement, Quantity Estimate Form, dated July 22, 2015.

TOWN CLERKS OFFICE
2015 SEP 1 PM 9 58
TOWN OF ORANGETOWN

PB #15-33: The Shops at Orangeburg Commons Site Plan: Final Site Plan Approval Subject to Conditions

Town of Orangetown Planning Board Decision

July 22, 2015

Page 2 of 11

10. A letter from Hocherman Tortorella & Wekstein, LLP, signed by Geraldine Tortorella dated June 16, 2015.
11. Copies of Board Decisions: PB #15-17: Preliminary Site Plan Approval Subject to Conditions/ Reaffirmation of Town Board Neg. Dec, dated May 13, 2015, ACABOR #15-36, Approved Subject to Conditions, dated June 18, 2015 and ACABOR #15-37, Approved Signs Subject to Conditions, dated June 18, 2015.
12. Plans prepared by Leonard Jackson Associates, dated November 20, 2014, revised June 16, 2015; unless noted:
- Drawing 1 of 14: Title Sheet
 - Drawing 2 of 14: Overall Site Plan & Commercial Subdivision Plan
 - Drawing 2A of 14: Layout "Part Plan" & Commercial Subdivision Plan
 - Drawing 3 of 14: Overall grading, Drainage & Utility Plan
 - Drawing 3A of 14: Grading, Drainage & Utility Plan "Part Plan"
 - Drawing 4 of 14: Erosion Control Plan
 - Drawing 5 of 14: Landscaping Plan, dated May 27, 2015
 - Drawing 6 of 14: Lighting Plan, dated May 27, 2015
 - Drawing 7 of 14: Construction Details (1 of 3), dated Nov. 20, 2014
 - Drawing 8 of 14: Construction Details (2 of 3), revised February 27, 2015
 - Drawing 9 of 14: Construction Details (3 of 3)
 - Drawing 10 of 14: Storm and Sanitary Profiles
 - Drawing 11 of 14: Typical Site Cap Sections, dated Nov. 20, 2014
 - Drawing 12 of 14: Site Cap Plan, dated Nov. 20, 2014
 - Drawing 13 of 14: Sewer Alternative Plan, dated June 16, 2015
 - Drawing 14 of 14: Sewer Alternative Profile, dated June 16, 2015
13. Existing Condition Survey prepared by Jay Greenwell, PLS, LLC, dated October 23, 2014, revised November 5, 2014:
- Sheet 2 of 3: Existing Condition
 - Sheet 3 of 3: Existing Condition
14. Building elevations prepared by Murray Jay Millar Architecture, unsigned and unsealed, dated April 17, 2015.
15. Parking Distribution Plan prepared by Leonard Jackson Associates, dated June 16, 2015.
16. Drainage Report prepared by Leonard Jackson Associates, dated February 27, 2015, revised June 16, 2015.

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

TOWN CLERKS OFFICE
2015 SEP 1 PM 9 58
TOWN OF ORANGETOWN

PB #15-33: The Shops at Orangeburg Commons Site Plan: Final Site Plan Approval Subject to Conditions

**Town of Orangetown Planning Board Decision
July 22, 2015
Page 3 of 11**

Public Comment:

Mary Cardenas, Town of Orangetown Town Historian, noted that the Architecture and Community Appearance Board of Review Decision #15-36, required the developer to place a bronze commemorative plaque on the site recognizing the location of the Abram Lent Home.

There being no one else from the Public, a motion was made to close the Public Hearing portion of the meeting by Thomas Warren and seconded by Michael Mandel and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, absent; Michael Mandel, aye; William Young, absent; 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 Final Site Plan Approval Subject to the Following Conditions:

1. The following note shall be placed on the Site Plan: At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a Pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a Meeting.
2. 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 bronze commemorative plaque, as required by ACABOR #15-36, dated June 18, 2015, shall be placed at the site recognizing the location as the Abram Lent Home. The commemorative plaque shall be approved by the Town of Orangetown Town Historian or designee, prior to creating and erecting the plaque. The plaque shall be placed at a location acceptable to the Town of Orangetown Historian or designee.
4. On Drawing #5; Landscape Plan, the evergreen plantings noted in the Plant Schedule, as 6 to 7 foot in height shall be changed to 8 to 10 foot in height.
5. An amendment to the existing SWPPP for the Orangeburg Commons Site shall be submitted to DEME. The included calculations shall determine as to whether the existing stormwater detention basin will be capable of handling the additional volume of flow from the proposed additional impervious contributing area. Also, the SWPPP shall demonstrate how stormwater quality issues, necessitated by the new area of disturbance shall be mitigated. The SWPPP must be designed in accordance with the new "New York State Stormwater Management Design Manual" (last updated January 2015), not the 2010 manual as stated in the Drainage Report.

TOWN CLERKS OFFICE
2015 SEP 1 09 58
TOWN OF ORANGETOWN

PB #15-33: The Shops at Orangeburg Commons Site Plan: Final Site Plan Approval Subject to Conditions

**Town of Orangetown Planning Board Decision
July 22, 2015
Page 4 of 11**

6. The applicant shall demonstrate the legal ability of the Orangeburg Commons site to allow/ accept both sanitary and stormwater flows from an adjacent, separately owned site, onto and through their PRIVATE sanitary and stormwater facilities (i.e. the proposal is not part of the Orangeburg Commons site, it is a separate tax lot which theoretically be sold at any point.) This will most likely require cross easement on both properties to convey and treat the stormwater runoff and convey the proposed sanitary flows. Orangeburg Commons owners will most likely have to update their private Sewage Disposal Corporation in order to accept sanitary flows on an offsite/ separately owned parcel. This will need to be approved by DEME, the Rockland County Department of Health and the Town of Orangetown Office of the Town Attorney. In so far as stormwater is concerned, the applicant will need to provide documentation that the NYSDEC allows stormwater from one site to be treated and controlled on another site. DEME requires that a letter from the NYSDEC be provided giving EXPLICIT consent for the Orangeburg Commons property owners to treat and control stormwater runoff from this site, to be "handled" on their site. DEME can find no explicit or implicit approval of such a situation in either the Orangetown Town Code, the NYSDEC Stormwater Design Manual or the NYSDEC General Permit for construction activities GP-o-15-002.

7. The location of the proposed sanitary sewer main is under review by DEME; however, the applicant's engineer shall prepare an alternative layout to "reach" the existing manhole more directly, if feasible. To assist in the evaluation of the current layout, a more detailed profile of utilities in the area, especially the 60 inch drainage line, its elevations and proximities to each other, would assist in determining if the option shown is the best option available.

8. With respect to the current sanitary main design, a 20 foot wide easement to the Town of Orangetown shall be provided up to the proposed sanitary manhole #2 where the proposed main is in private property. Also, the proposed easement through the 6 acre triangular parcel shall be increased to 20 foot wide, if this layout becomes the accepted option.

9. The updated traffic study is under review by DEME.

10. The applicant is advised that each food service store requires its own appropriately sized grease trap. The locations of each grease trap may change due to the final locations of the food service stores inside the commercial subdivision. A note shall be added to the site plans indicating the same.

TOWN OF ORANGETOWN
2015 SEP 1 AM 9 58
TOWN CLERKS OFFICE

**PB #15-33: The Shops at Orangeburg Commons Site Plan: Final Site Plan
Approval Subject to Conditions**

Town of Orangetown Planning Board Decision

July 22, 2015

Page 5 of 11

11. The Drainage Consultant to the Planning Board, Brooker Engineering, reviewed the plans and submitted information and found the following: The application has provided sufficient information to demonstrate that the existing stormwater management basin can be modified to mitigate against increases to peak stormwater runoff rates as a result of the project, and therefore recommends that the Shops at Orangeburg Commons be approved for drainage subject to the following Project Comments.

This is the third drainage review report for this project; the last report was dated May 13, 2015. The project consists of the redevelopment of the site at tax lot 74.15-1-22, which is located just west of the recently developed Orangeburg Commons site. An existing one story building and parking area is proposed to be removed. The development consists of a new 18,304 square feet commercial building and additional impervious areas for parking and an approximate net increase of 15,250 square feet of impervious area. The land slopes downhill in an easterly direction and stormwater runoff will be conveyed to the stormwater management basin constructed for the Orangeburg Commons site.

Project Comments

1. As per the April 6, 2015 and May 13, 2015 drainage review reports, the Developed Conditions Drainage Area Map (Drawing 2) of the Drainage Report has been updated to reflect the current proposed layout. However, the proposed conditions drainage basin map should show the proposed contours to verify the subbasin delineation. Calculations supporting the proposed conditions impervious areas breakdowns shall be included. The discrepancy between the drainage area on this map (14.4 acres) and the drainage report (15.65) shall be corrected; this is not necessarily conservative as the narrative report states. The Existing Conditions Drainage Subarea Map only pertains to the subject tax lot and the Developed Conditions Drainage Subarea Map pertains to the overall combined site. The hydrologic model only includes subareas for the overall site. The Drainage Subarea Maps shall be consistent with the variables used in the hydrologic model. Additionally, the existing conditions Drainage Subarea map shall not use Rockland County survey from 2000; survey prepared by Jay Greenwell, showing the former house and driveway shall be used to establish the existing conditions impervious area.
2. As per the April 6, 2015 and May 13, 2015 drainage review reports, this comment has been mostly addressed. The segmental block wall detail shall be revised to reflect the actual proposed conditions. Design for the length of geogrid and excavation for construction shall be provided to demonstrate the geogrid will not be in the right-of-way or outside the property line, and can withstand the soil slope surcharge.

TOWN CLERKS OFFICE
2015 SEP 1 PM 9 58
TOWN OF ORANGETOWN

**PB #15-33: The Shops at Orangeburg Commons Site Plan: Final Site Plan
Approval Subject to Conditions**

**Town of Orangetown Planning Board Decision
July 22, 2015
Page 6 of 11**

Continuation of Condition #11...

3. As per the April 6, 2015 and May 13, 2015 drainage review reports, the drainage calculations shall use updated NYSDEC 24 hour rainfall totals. The annotated map indication land disturbance that was included in the drainage report indicated 0.914 acres of disturbance. However, this calculation only considered disturbance on the tax lot 74.15-1-22. Additional land disturbance is required for the construction of the proposed walks, access drives, sanitary sewer, and modifications to the detention basin berm outside of the tax lot; these shall also be included in the land disturbance calculation. Land disturbance will most likely be greater than 1.0 acre for this action. The Drainage Consultant defers to the Town of Orangetown MS4 coordinator as to the use of NYSDEC 2010 rainfall totals or NYSDEC 2015 rainfall totals.
4. As per the April 6, 2015 and May 13, 2015 drainage review reports, the drainage report cover letter states a "minor modification to the existing outlet control structure on Orangeburg Commons site" will mitigate increases in peak runoff rates. The revised calculations for the elevation versus discharge curves shall be combined into one spreadsheet in the report. A detail of the outlet structure showing as built conditions shall be included in the Site Plan and Drainage Report. The outlet detail shows proposed modifications on the Site Plan that are still no consistent with the drainage report.
5. This comment (pertaining to grading at the proposed Greenbush Road entrance) from the April 6, 2015 drainage review report has been addressed.
6. As per the April 6, 2015 and May 13, 2015 drainage review reports, a maintenance schedule for the stormwater quality structures shall be included in the Site Plan and drainage report. The narrative states this was added to Drawing 9, but could not be located on Drawing 9. There is a map note on Drawing 8 requiring that "Maintenance Shall Be Performed as Required", however, the requirements shall be outlined in more detail and shall be applied to the contech basin and drywells details.
7. As per the April 6, 2015 and May 13, 2015 drainage review reports, calculations showing area of disturbance less than one acre shall be provided; however, this calculation only considered disturbance on the tax lot 74.15-1-22. Additional land disturbance is required for construction of the proposed walks, access drives, sanitary sewer, and modifications to the detention basin berm outside of tax lot 74.15-1-22 and shall be included in the land disturbance calculation.

TOWN CLERKS OFFICE

2015 SEP 1 PM 9 58

TOWN OF ORANGETOWN

PB #15-33: The Shops at Orangeburg Commons Site Plan: Final Site Plan Approval Subject to Conditions

Town of Orangetown Planning Board Decision
July 22, 2015
Page 7 of 11

Continuation of Condition #11...

8. As per the April 6, 2015 and May 13, 2015 drainage review reports, a breakdown of as-built and proposed impervious areas shall be included in the drainage report. These shall be shown on the drainage basin maps and correspond to the values used in the curve number calculations.
9. As per the April 6, 2015 and May 13, 2015 drainage review reports, the drainage report shows an overflow weir at elevation 74.3 (proposed) for a length of 15 feet. The narrative response indicates the berm will be raised to elevation 76.5. A grading plan shall be prepared showing how the berm will be modified.
10. As per the April 6, 2015 and May 13, 2015 drainage review reports, calculations to support the storage versus elevation curve shall be included in the drainage report. The revised response has highlighted the storage versus elevation in the output file; however, this is not a suitable response. The data used in the input file needs to be verified as this is what is used to calculate the output. The as-built survey from Jay Greenwell shall be used to support this response to comments.
11. As per the April 6, 2015 and May 13, 2015 drainage reviews reports, calculations shall be provided that demonstrate the storm drainage system can convey the 100-year peak runoff rate to the stormwater management basin. The narrative response in the drainage report indicates that this has been provided; however, it was not in the copy of the drainage report provided to the Drainage Consultant.
12. As per the April 6, 2015 and May 13, 2015 drainage review reports, the proposed conditions model shows an increase in stormwater runoff volume for the detention basin inflow hydrograph compared to existing conditions, an increase in peak stage at the detention basin compared to existing conditions, the same storage versus discharge data for existing and proposed conditions, but a decrease in flood storage for the routed hydrograph. The revised report shall contain more output data and a narrative response to clarify this discrepancy.
13. The drywell detail indicates 10' diameter drywells and the plan indicates 8' diameter drywells; this shall be reconciled. The drywells are not connected in series; an equalizing pipe shall be provided at the invert of each drywell to ensure all three drywells fill concurrently.

12. Rockland County Department of Planning had the following comment which is incorporated herein as a condition of approval:

- A review must be completed by the Palisades Interstate Park Commission and any raised comments or concerns addressed.
- A review shall be completed by the New York State Department of Transportation and any required permits obtained.
- The conditions in the June 26, 2015 letter from the Rockland County Department of Health must be met.
- There shall be not net increase in the peak rate of discharge from the site at all design points.
- Prior to the start of construction or grading, a soil and erosion control plan shall be developed and in place for the entire site that meets the latest edition of the New York State Guidelines for Urban Erosion and Sediment Control

TOWN CLERKS OFFICE

2015 SEP 1 AM 9 58

TOWN OF ORANGETOWN

PB #15-33: The Shops at Orangeburg Commons Site Plan: Final Site Plan Approval Subject to Conditions

**Town of Orangetown Planning Board Decision
July 22, 2015
Page 8 of 11**

13. The Rockland County Health Department offered the following comments:

- Application is now proposing to extend the publicly owned sewer main. If the Board accepts this alignment, sanitary sewer extension approval will be needed. If the private main is extended, approval will be needed from Rockland County Health Department and a sewer works corporation will need to be formed. Comment #17 of Hocherman, Tortorella & Wekstein's letter dated June 16, 2015 describes the different scenarios accurately.
- Application is to be made to RCDOH for review of the stormwater management system for compliance with the County Mosquito Code.

14. CSX Railroad has reviewed the plans and found that should the scope of work change and the project include encroachment onto the CSX property, a utility encroachment application, plans and review fees would need to be submitted to CSX Occupancy Services Department prior to construction. Likewise, a right of entry agreement would be required if for any reason personnel need to access any portion of CSX property. If the construction activities are off CSX property, but still within 25 feet of CSX tracks, then flagging protection would still be required. In that case, CSX Public Project Department would coordinate flagging protection. No equipment, material or vehicles should be stored within 25 feet of the CSX tracks. The crossing of any CSX tracks by workers, equipment, or vehicles is strictly prohibited, except at public road crossings.

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

- Install an NFPA 13 compliant Fire Sprinkler system. Maintain the sprinkler system according to NFPA 25.
- The proposed Fire Sprinkler system must be designed to protect the hazard in each proposed store usage. Submitted to the Bureau for approval before work commences.
- Install and maintain an NFPA 72 compliant Fire Alarm System, connected to Rockland County 44-Control. Proposed Fire Alarm plans submitted to the Bureau for approval before work commences.
- Install and maintain portable fire extinguishers as required by NFPA 10.
- Install emergency as per NEC.
- The plan shall show bollards to protect the pull in parking.
- Each occupancy applies for and maintains Certificate of Compliance Fire Safety with the Bureau of Fire Prevention.

TOWN CLERKS OFFICE

2015 SEP 1 AM 9 58

TOWN OF ORANGETOWN

PB #15-33: The Shops at Orangeburg Commons Site Plan: Final Site Plan Approval Subject to Conditions

**Town of Orangetown Planning Board Decision
July 22, 2015
Page 9 of 11**

16. The applicant shall comply with all pertinent items in the Guide to the Preparation of Site Plans prior to signing the final plans.
17. All reviews and approvals from various governmental agencies must be obtained prior to stamping of the Site Plan.
18. 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.
19. The applicant shall comply with all applicable and pertinent Board Decisions: PB #15-17: Preliminary Site Plan Approval Subject to Conditions/ Reaffirmation of Town Board Neg. Dec, dated May 13, 2015, ACABOR #15-36, Approved Subject to Conditions, dated June 18, 2015 and ACABOR #15-37, Approved Signs Subject to Conditions, dated June 18, 2015.
20. 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.

TOWN CLERKS OFFICE
2015 SEP 1 PM 9 58
TOWN OF ORANGETOWN

**PB #15-33: The Shops at Orangeburg Commons Site Plan: Final Site Plan
Approval Subject to Conditions**

Town of Orangetown Planning Board Decision

July 22, 2015

Page 10 of 11

Continuation of Condition #20...

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.

21. 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.

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.

TOWN CLERKS OFFICE

2015 SEP 1 AM 9 59

TOWN OF ORANGETOWN

PB #15-33: The Shops at Orangeburg Commons Site Plan: Final Site Plan Approval Subject to Conditions

Town of Orangetown Planning Board Decision

July 22, 2015

Page 11 of 11

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

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

The foregoing Resolution was made and moved by Thomas Warren and seconded by Michael Mandel and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, absent; William Young, absent; Thomas Warren, aye; Robert Dell, aye; Michael Mandel, 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: July 22, 2015

Cheryl Coopersmith

Chief Clerk Boards and Commissions



TOWN CLERKS OFFICE
2015 SEP 1 AM 9 59
TOWN OF ORANGETOWN

PB #15-34: Orangeburg Commons Site Plan Amendment: Final Site Plan Approval Subject to Conditions

Town of Orangetown Planning Board Decision

July 22, 2015

Page 1 of 4

TO: Geraldine Tortorella, Hocherman, Tortorella & Wekstein,
1 North Broadway, Suite 701, White Plains, New York 10601

FROM: Orangetown Planning Board

RE: Orangeburg Commons Site Plan Amendment: The application of FB Orangetown Retail LLC, FB Orangetown Retail Three LLC, FB Orangetown Two LLC, FB Orangetown Hotel LLC, FB Orangetown Hotel Two LLC, and Board of Managers of the Orangeburg Commons Condominium c/o RD Management LLC, applicants and owners (Hocherman Tortorella & Wekstein, LLP, attorneys for the applicant), for Amendment to the Approved Site Plan - Final Site Plan Review, at a site known as "**Orangeburg Commons 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 170 Route 303, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map: Section 74.15, Block 1, Lot 21; LI and Route 303 Overlay zoning districts.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, July 22, 2015**, the Board made the following determinations:

Geraldine Tortorella, Justin Lim, and Alfred Rossi appeared and testified. The Board received the following communications:

1. Project Review Committee Report dated July 15, 2015.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated July 22, 2015.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated July 16, 2015.
4. A letter from Hocherman Tortorella & Wekstein, LLP, signed by Geraldine Tortorella dated June 16, 2015.
5. Plans prepared by Leonard Jackson Associates, dated June 16, 2015:
 - Drawing 1 of 3: Title Sheet
 - Drawing 2 of 3: Overall Site Plan & Commercial Subdivision Plan
 - Drawing 3 of 3: Overall Grading, Drainage & Utility Plan
6. Board Decisions: ACABOR #15-36: Approved Subject to Conditions, dated June 18, 2015, ACABOR #15-37, Sign Plan Approved Subject to Conditions, dated June 18, 2015 and PB #15-18, Preliminary Site Plan Amendment Approval Subject to Conditions/ Reaffirmation of Town Board Neg. Dec., dated May 13, 2015.

TOWN CLERKS OFFICE

2015 SEP 1 09 59

TOWN OF ORANGETOWN

PB #15-34: Orangeburg Commons Site Plan Amendment: Final Site Plan Approval Subject to Conditions

**Town of Orangetown Planning Board Decision
July 22, 2015
Page 2 of 4**

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

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

1. The following note shall be placed on the Site Plan: At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a Pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a Meeting.
2. 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 location of the proposed sanitary sewer main to serve the Shops at Orangeburg Commons Site is under review; however, the applicant's engineer shall prepare an alternative layout to reach the existing manhole more directly, if feasible.
4. The applicant shall comply with all pertinent items in the Guide to the Preparation of Site Plans prior to signing the final plans.
5. All reviews and approvals from various governmental agencies must be obtained prior to stamping of the Site Plan.
6. 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.
7. 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:

TOWN CLERKS OFFICE

2015 SEP 1 AM 9 59

TOWN OF ORANGETOWN

PB #15-34: Orangeburg Commons Site Plan Amendment: Final Site Plan Approval Subject to Conditions

**Town of Orangetown Planning Board Decision
July 22, 2015
Page 3 of 4**

Continuation of Condition #7...

- 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.
- 8.** All landscaping shown on the 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.
- 9.** 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.
- 10.** The contractor's trailer, if any is proposed, shall be located as approved by the Planning Board.

TOWN CLERKS OFFICE

2015 SEP 1 PM 9 59

TOWN OF ORANGETOWN

PB #15-34: Orangeburg Commons Site Plan Amendment: Final Site Plan Approval Subject to Conditions

**Town of Orangetown Planning Board Decision
July 22, 2015
Page 4 of 4**

11. 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).

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

13. 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

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

The foregoing Resolution was made and moved by Thomas Warren and seconded by Stephen Sweeney and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, absent; William Young, absent; Thomas Warren, aye; Robert Dell, aye; Michael Mandel, 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: July 22, 2015
Cheryl Coopersmith
Chief Clerk Boards and Commissions**



TOWN CLERKS OFFICE
2015 SEP 1 AM 9 59
TOWN OF ORANGETOWN

PB #15-36: 4-6 Dexter Plaza Internal Commercial Subdivision Plan: Final Approval Subject to Conditions/ Neg. Dec.

Town of Orangetown Planning Board Decision

July 22, 2015

Page 1 of 6

TO: Donald Brenner, P.E., LL.B.,
4 Independence Avenue,
Tappan, New York

FROM: Orangetown Planning Board

RE: 4-6 Dexter Plaza Internal Commercial Subdivision Plan: The application of Nicholas Miele, owner, (Donald Brenner, Attorney for the owner) for Prepreliminary/ Preliminary/ Final Internal Commercial Subdivision Plan review, at a site known as “**4-6 Dexter Plaza Internal Commercial 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 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 6 East Dexter Plaza, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 68.20, Block 1, Lot 1./40, in the LIO zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, July 22, 2015**, the Board made the following determinations:

Donald Brenner and Thomas Bertussi appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated July 15, 2015.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated July 22, 2015.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated July 15, 2015.
4. A letter from the Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning dated July 8, 2015.
5. A letter from the Rockland County Department of Highways, signed by Sonny Lin, P.E., dated July 8, 2015.
6. Letters from the Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated June 16, 2015
7. A letter from Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer, dated June 26, 2015.
8. A letter from the Town of Orangetown Zoning Board of Appeals, signed by Dan Sullivan, Chairman, dated June 17, 2015.
9. An interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by Michael B. Bettmann, Chief Fire Inspector, dated June 22, 2015.
10. A Short Environmental Assessment Form signed by Donald Brenner, dated June 9, 2015.

TOWN CLERKS OFFICE

2015 SEP 1 AM 9 59

TOWN OF ORANGETOWN

PB #15-36: 4-6 Dexter Plaza Internal Commercial Subdivision Plan: Final Approval Subject to Conditions/ Neg. Dec.

Town of Orangetown Planning Board Decision

July 22, 2015

Page 2 of 6

11. Subdivision Plan prepared by Albert Dattoli Architect, dated March 30, 2015:

A1 of 2: Lower Level Plan

A2 of 2: Upper Level Plan

12. Commercial Subdivision Plan prepared by Jay Greenwell, PLS, dated March 16, 2015.

13. Copy of PB #11-59, Dexter Plaza Internal Commercial Subdivision Plan; Final Approval Subject to Conditions/ Neg. Dec., dated December 14, 2011.

The Board reviewed the 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 Thomas Warren and second by Michael Mandel and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, absent; William Young, absent; Robert Dell, aye; Stephen Sweeney, aye; Michael Mandel, aye and Thomas Warren, aye.

The proposed action is classified as an "unlisted action" as defined by Section 617.2 (ak) of the New York State Environmental Quality Review Regulations (SEQRR). No agency, other than the Orangetown Planning Board will have any significant involvement in the review process, pursuant to Section 617.6 of SEQRA. On motion by Thomas Warren and seconded by Stephen Sweeney and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, absent; William Young, absent; 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 Albert Dattoli Architect, and Jay Greenwell, PLS and having heard from the following offices,

TOWN CLERKS OFFICE

2015 SEP 1 AM 9 59

TOWN OF ORANGETOWN

PB #15-36: 4-6 Dexter Plaza Internal Commercial Subdivision Plan: Final Approval Subject to Conditions/ Neg. Dec.

**Town of Orangetown Planning Board Decision
July 22, 2015
Page 3 of 6**

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 Department of Highways, Rockland County Department of Health, Rockland County Sewer District No.1, and having reviewed a proposed Internal Subdivision plan by prepared by Albert Dattoli Architect, and Jay Greenwell, PLS, 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 William Young and seconded by Jeffrey Golda and carried as follows: On motion by Thomas Warren and seconded by Michael Mandel and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, absent; Michael Mandel, aye; William Young, absent; Robert Dell, aye; Thomas Warren, aye and Stephen Sweeney, aye, the Board declared itself Lead Agency. the Board made a Negative Declaration pursuant to SEQRA.

TOWN CLERKS OFFICE

2015 SEP 1 PM 9 59

TOWN OF ORANGETOWN

PB #15-36: 4-6 Dexter Plaza Internal Commercial Subdivision Plan: Final Approval Subject to Conditions/ Neg. Dec.

**Town of Orangetown Planning Board Decision
July 22, 2015
Page 4 of 6**

DECISION: In view of the foregoing and the testimony before the Board, the application was granted a Final Internal Commercial 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 is requesting an internal commercial subdivision of the building on lot 4. Indicate what the proposed tenant spaces will be used for. The uses must comply with the LI zone district.
4. The Short Environmental Assessment Form appears to be in order.
5. The location of the existing sanitary building connection shall be shown on the plan.
6. Please clearly identify the use for each unit/space, such as "office", "storage", etc.
7. Rockland County Department of Planning had the following comments which are incorporated herein as conditions of approval:
 1. A review shall be completed by the New York State Department of Transportation and any required permits obtained.
 2. A review shall be completed by the Rockland County Drainage Agency and any required permits obtained.
 3. As required by the Rockland County Stream Control Act, the subdivision map must be reviewed and approved by the Chairman of the Rockland County Drainage Agency before the Rockland County Clerk will accept same for filing.
 4. A review shall be completed by the County of Rockland Department of Highways and any required permits obtained.
 5. Parking calculations for the lot must be included to ensure that adequate parking is provided for each building and its tenants.

TOWN CLERKS OFFICE

2015 SEP 1 AM 9 59

TOWN OF ORANGETOWN

PB #15-36: 4-6 Dexter Plaza Internal Commercial Subdivision Plan: Final Approval Subject to Conditions/ Neg. Dec.

**Town of Orangetown Planning Board Decision
July 22, 2015
Page 5 of 6**

8. The Rockland County Department of Highway reviewed the plans and information provided and found the proposed action shall have not foreseeable adverse impact upon county roads in the area. The proposed development is within 500 feet from county Route 30, a Rockland County Highway Department Work Permit will be required prior to any construction on this development.

9. The Rockland County Department of Health reviewed the provided information and found that no Rockland County Department of Health approvals are associated with this application.

10. Rockland County Sewer District does not object to the plan as shown. This project does not affect any sanitary sewers within the District and no future correspondence is requested for this site.

11. The Town of Orangetown Bureau of Fire Prevention had the following comments in regards to the proposed development:

- Provide interior plan indicating North, South, East, West, etc...
- Indicate on plan all existing/proposed – exist signs, emergency lights, fire alarm devices, fire extinguishers, sprinklers risers, electric panels, etc...
- Fire alarm system must be an addressable system and must cover entire building, a remote annunciator panel is recommended in a location to be determined.
- All fire lanes indicated on the site plan must be striped and signed per Code.
- Fire sprinkler system must be appropriate for all hazards in the building.

12. 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

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

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

TOWN CLERKS OFFICE
2015 SEP 1 AM 9 59
TOWN OF ORANGETOWN

PB #15-36: 4-6 Dexter Plaza Internal Commercial Subdivision Plan: Final Approval Subject to Conditions/ Neg. Dec.

Town of Orangetown Planning Board Decision

July 22, 2015

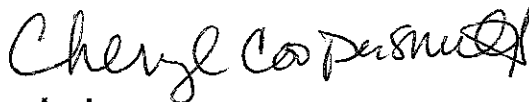
Page 6 of 6

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.

The foregoing Resolution was made and moved by Thomas Warren and seconded by Michael Mandel and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, absent; Michael Mandel, aye; William Young, absent; 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: July 22, 2015
Cheryl Coopersmith
Chief Clerk Boards and Commissions
attachment



TOWN OF ORANGETOWN
2015 SEP 1 AM 9 59
TOWN CLERKS OFFICE

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

**PB #15-36: 4-6 Dexter Plaza Internal Commercial Subdivision Plan: Final
Approval Subject to Conditions/ Neg. Dec.
Town of Orangetown Planning Board
July 22, 2015**

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: 4-6 Dexter Plaza Internal Commercial Subdivision Plan
SEQR STATUS: Type I _____ Unlisted XXXXXX
CONDITIONED NEGATIVE DECLARATION: Yes _____ No XXXXXX

DESCRIPTION OF ACTION: Internal Commercial Subdivision

LOCATION: The site is located at 6 East Dexter Plaza, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 68.20, Block 1, Lot 1./40, 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 action. The proposed action is consistent with the Town of Orangetown's Master Plan and will not have any adverse economic or social impacts upon the Town or its businesses or residences.

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

For Further Information contact:

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

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

TOWN CLERKS OFFICE

2015 SEP 1 PM 9 59

TOWN OF ORANGETOWN

**PB #15-37: 60 – 70 West Dexter Plaza Internal Commercial Subdivision
Plan: Final Approval Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision
July 22, 2015
Page 1 of 5**

TO: Donald Brenner, P.E., LL.B.,
4 Independence Avenue,
Tappan, New York

FROM: Orangetown Planning Board

RE: 60-70 West Dexter Plaza Internal Commercial Subdivision Plan:
The application of Thomas Bertussi, applicant, for TriBee Ltd., owner, (Donald Brenner, Attorney for the owner) for Prepreliminary/ Preliminary/ Final Internal Commercial Subdivision Plan review, at a site known as “**60-70 West Dexter Plaza Internal Commercial 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 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 60-70 Dexter Plaza, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 68.20, Block 1, Lot 1./30, in the LI zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, July 22, 2015**, the Board made the following determinations:

Donald Brenner and Thomas Bertussi appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated July 15, 2015.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated July 22, 2015.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated July 15, 2015.
4. A letter from the Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning dated July 8, 2015.
5. A letter from the Rockland County Department of Highways, signed by Sonny Lin, P.E., dated July 16, 2015.
6. Letters from the Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated June 23, 2015
7. A letter from Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer, dated June 26, 2015.
8. A letter from the Town of Orangetown Zoning Board of Appeals, signed by Dan Sullivan, dated June 16, 2015.
9. Interdepartmental memorandums from the Bureau of Fire Prevention, Town of Orangetown, signed by Michael B. Bettmann, Chief Fire Inspector, dated June 16 & 19, 2015.

TOWN CLERKS OFFICE

2015 SEP 1 AM 9 59

TOWN OF ORANGETOWN

**PB #15-37: 60 – 70 West Dexter Plaza Internal Commercial Subdivision
Plan: Final Approval Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision
July 22, 2015
Page 2 of 5**

10. A Short Environmental Assessment Form signed by Donald Brenner, dated June 16, 2015.
11. Subdivision Plan prepared by Albert Dattoli Architect, dated March 31, 2015:
 - A1 of 2: Lower Level Plan
 - A2 of 2: Upper Level Plan
12. Commercial Subdivision Plan prepared by Jay Greenwell, PLS, dated March 16, 2015.

The Board reviewed the 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 Michael Mandel and second by Thomas Warren and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, absent; Michael Mandel, aye; William Young, absent; Robert Dell, aye; Thomas Warren, aye and Stephen Sweeney, 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 Thomas Warren and seconded by Stephen Sweeney and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, absent; Michael Mandel, aye; William Young, absent; Robert Dell, aye; Thomas Warren, aye and Stephen Sweeney, 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.

TOWN OF ORANGETOWN
2015 SEP 1 PM 9 59
TOWN CLERKS OFFICE

**PB #15-37: 60 – 70 West Dexter Plaza Internal Commercial Subdivision
Plan: Final Approval Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision
July 22, 2015
Page 3 of 5**

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 Albert Dattoli, R.A. and Jay Greenwell, PLS, 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 Department of Highways, Rockland County Department of Health, Rockland County Sewer District No.1, and having reviewed a proposed Internal Subdivision plan by prepared by Albert Dattoli, R.A. and Jay Greenwell, PLS, a summary of the reasons supporting this determination are, and the Planning Board finds, that the proposed action:

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

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

TOWN CLERKS OFFICE
2015 SEP 1 AM 9 59
TOWN OF ORANGETOWN

**PB #15-37: 60 – 70 West Dexter Plaza Internal Commercial Subdivision
Plan: Final Approval Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision
July 22, 2015
Page 4 of 5**

DECISION: In view of the foregoing and the testimony before the Board, the application was granted a Final Internal Commercial 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 is requesting an internal commercial subdivision of the building on lot 3. Indicate what the proposed tenant spaces will be used for. The uses must comply with the LI zone district.
4. The Short Environmental Assessment Form appears to be in order.
5. The location of the existing sanitary building connection shall be shown on the plan.
6. Please clearly identify the use for each unit/space, such as "office", "storage", etc.
7. Rockland County Department of Planning had the following comments which are incorporated herein as conditions of approval:
 - A review shall be completed by the New York State Department of Transportation and any required permits obtained.
 - A review shall be completed by the Rockland County Drainage Agency and any required permits obtained.
 - As required by the Rockland County Stream Control Act, the subdivision map must be reviewed and approved by the Chairman of the Rockland County Drainage Agency before the Rockland County Clerk will accept same for filing.
 - A review shall be completed by the County of Rockland Department of Highways and any required permits obtained.
 - Parking calculations for the lot must be included to ensure that adequate parking is provided for each building and its tenants.

TOWN CLERKS OFFICE
2015 SEP 1 PM 9 59
TOWN OF ORANGETOWN

**PB #15-37: 60 – 70 West Dexter Plaza Internal Commercial Subdivision
Plan: Final Approval Subject to Conditions/ Neg. Dec.
Town of Orangetown Planning Board Decision
July 22, 2015
Page 5 of 5**

8. The Rockland County Department of Highway reviewed the plans and information provided and found the proposed action shall have not foreseeable adverse impact upon county roads in the area. The proposed development is within 500 feet from East Central Avenue, a Rockland County Highway Department Work Permit will be required prior to any construction on this development.

9. The Rockland County Department of Health reviewed the provided information and found that no Rockland County Department of Health approvals are associated with this application.

10. Rockland County Sewer District does not object to the plan as shown. This project does not affect any sanitary sewers within the District and no future correspondence is requested for this site.

11. The Town of Orangetown Bureau of Fire Prevention had the following comments in regards to the proposed development:

- Provide interior plan indicating North, South, East, West, etc...
- Indicate on plan all existing and proposed exist signs, emergency lights, fire alarm devices, fire extinguishers, sprinkler risers, etc...
- Fire Alarm System must be an addressable system and must cover the entire building.
- All Fire Lanes indicated on the Site Plan must be striped and Signed per code.

12. 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

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

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

15. All of the conditions of this decision, shall be binding upon the owner of the subject property, its successors and/or assigns, including the requirement to maintain the property in accordance with the conditions of this decision and the requirement, if any, to install improvements pursuant to Town Code §21A-9. Failure to abide by the conditions of this decision as set forth herein shall be considered a violation of Site Plan Approval pursuant to Town Code §21A-4.

The foregoing Resolution was made and moved by Michael Mandel and seconded by Thomas Warren and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, absent; Michael Mandel, aye; William Young, absent; 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: July 22, 2015

Cheryl Coopersmith

Chief Clerk Boards and Commissions; - attachment



TOWN CLERKS OFFICE
2015 SEP 1 AM 9 59
TOWN OF ORANGETOWN

**Town of Orangetown Planning Board - attachment
State Environmental Quality Review Regulations
NEGATIVE DECLARATION
Notice of Determination of Non-Significance**

**PB #15-37: 60-70 West Dexter Plaza Internal Commercial Subdivision Plan:
Final Approval Subject to Conditions/ Neg. Dec.
Town of Orangetown Planning Board
July 22, 2015**

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: 60-70 West Dexter Plaza Internal Commercial Subdivision Plan

SEQR STATUS: Type I _____ Unlisted XXXXXX

CONDITIONED NEGATIVE DECLARATION: Yes _____ No XXXXXX

DESCRIPTION OF ACTION: Internal Commercial Subdivision

LOCATION: The site is located at 60-70 West Dexter Plaza, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 68.20, Block 1, Lot 1./30, 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 action. The proposed action is consistent with the Town of Orangetown's Master Plan and will not have any adverse economic or social impacts upon the Town or its businesses or residences.

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

For Further Information contact:

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

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

TOWN CLERKS OFFICE

2015 SEP 1 PM 9 59

TOWN OF ORANGETOWN

**PB #15-38: Merritt Subdivision Plan– Final Subdivision Plan Approval
Subject to Conditions**

Town of Orangetown Planning Board Decision

July 22, 2015

Page 1 of 10

TO: Edward Merritt, 9 Merritt Drive, Nanuet, New York
FROM: Orangetown Planning Board

RE: Merritt Subdivision Plan: The application of Edward Merritt, owner, (Donald Brenner, attorney for the owner), for Final Subdivision Plan Review at a site to be known as “**Merritt 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 390 Ehrhardt Road and 17 Merritt Drive, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 64.18, Block 1, Lot 78.1 and Section 64.18, Block 1, Lot 78.3, R-15 zoning district.

Heard by the Planning Board of the Town of Orangetown at meetings held **Wednesday, July 22, 2015**, the Board made the following determinations:

Ed Merritt, T. J. Ryan and Donald Brenner appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated July 15, 2015.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated July 22, 2015.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated July 17, 2015.
4. A letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated July 22, 2015.
5. A letter from the Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning dated July 20, 2015.
6. A letter from the Rockland County Department of Highways, signed by Sonny Lin, P.E., dated July 21, 2015.
7. A letter from the Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated June 26, 2015.
8. Copies of the following Board Decisions: ACABOR #15-34, dated June 18, 2015, Approved with Conditions, ZBA #15-53, dated June 17, 2015, Approved Variances for New York State Town Law Section 280A Exception for Lots 3A, 3B & 5B; Street Frontage for Lots 3A, 3B & 5B; Front Yard for Lot 3B, Rear Yard for Lot 3B, and Building Height for Lots 3A, 3B and 5B, Approved and PB #15-10, Preliminary Subdivision Plan Approval Subject to Conditions/ Neg. Dec., dated April 22, 2015.

TOWN CLERKS OFFICE

2015 SEP 1 AM 9 59

TOWN OF ORANGETOWN

**PB #15-38: Merritt Subdivision Plan– Final Subdivision Plan Approval
Subject to Conditions**

Town of Orangetown Planning Board Decision

July 22, 2015

Page 2 of 10

9. Merritt Minor Subdivision Plans for Sparaco and Youngblood, PLLC, dated January 15, 2015, last revision date of June 17, 2015:

- Drawing 1 of 11: Minor Subdivision Plat
- Drawing 2 of 11: Planimetric Plan
- Drawing 3 of 11: Grading, Utilities & Erosion Control Plan
- Drawing 4 of 11: Tree Protection & Planting Plan
- Drawing 5 of 11: Road Profile
- Drawing 6 of 11: Drainage Profiles
- Drawing 7 of 11: Sanitary House Connection Profiles
- Drawing 8 of 11: Existing Conditions
- Drawing 9 of 11: Details - 1
- Drawing 10 of 11: Details - 2
- Drawing 11 of 11: Details - 3

The Board reviewed the plans.

The hearing was then opened to the Public.

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

TOWN CLERKS OFFICE

2015 SEP 1 PM 9 59

TOWN OF ORANGETOWN

**PB #15-38: Merritt Subdivision Plan– Final Subdivision Plan Approval
Subject to Conditions**

Town of Orangetown Planning Board Decision

July 22, 2015

Page 3 of 10

3. The applicant shall comply with all pertinent and applicable conditions of all previous Board Decisions: ACABOR #15-34, dated June 18, 2015, Approved with Conditions, ZBA #15-53, dated June 17, 2015, Approved Variances for New York State Town Law Section 280A Exception for Lots 3A, 3B & 5B; Street Frontage for Lots 3A, 3B & 5B; Front Yard for Lot 3B, Rear Yard for Lot 3B, and Building Height for Lots 3A, 3B and 5B, Approved and PB #15-10, Preliminary Subdivision Plan Approval Subject to Conditions/ Neg. Dec. , dated April 22, 2015.
4. The deed to each lot shall contain a covenant that the roadway is to be private. Each owner shall be responsible for the maintenance and repair of the private roadway serving the owners of the lots and equally responsible for maintenance and repair of the roadway.
5. The SESC plan is under review by DEME, however a stabilized construction entrances at both ends of the proposed private road shall be added to the plans. Also, erosion control measures shall be depicted for each of the lots/ proposed homes/ driveways.
6. The two catch basins in the new proposed private road at the south west corner of lot 5A shall be relocated to the intersection with Ehrhardt Road.
7. A copy of the Home Owners Association agreement shall be sent to DEME and the Town Attorney's Office.
8. A post construction stormwater maintenance agreement (in accordance with NYSDEC Phase II regulations) for the proposed stormwater systems shall be submitted to DEME and the Town of Orangetown Town Attorney's office for review and approval. Said agreement shall include a maintenance and management schedule, inspection check list, contact person with telephone number, yearly report to be submitted to DEME, etc.
9. A reciprocal agreement over the proposed roadway, across all lots (the existing and the new lots), on, in and over all lots for the benefit of all lots, for ingress, egress and utilities, from Townline Road to Ehrhardt Road shall be depicted on the plans and shall be submitted for review and approval in form and substance by the Town Attorney's Office and DEME.
10. The horizontal curve information at the connection of the new private road with the existing private road, (north side of lot 3B) shall be given on the plans. As a reminder to the applicant's engineer, the minimum length of any horizontal curve is 100 feet at the centerline of the road. Also, the curve length and radii shall be given on the drawing.

TOWN CLERKS OFFICE

2015 SEP 1 PM 9 59

TOWN OF ORANGETOWN

**PB #15-38: Merritt Subdivision Plan– Final Subdivision Plan Approval
Subject to Conditions**

**Town of Orangetown Planning Board Decision
July 22, 2015
Page 4 of 10**

11. The revised Storm Water Pollution Prevention Plan is under review by DEME. A copy of this review will be sent, under separate cover to the applicant's engineer.
12. A legend that complies with the NYSDEC Stormwater Management Design Manual shall be added to the SESC Plans.
13. Copies of the proposed sanitary and drainage easements shall be sent to DEME and the Town Attorney's Office for review and approval.
14. The applicant shall plant additional evergreen trees at the south corner of lot 3A, minimum height of 5 feet.
15. The Drainage Consultant to the Planning Board, Brooker Engineering reviewed the application and found the application provided sufficient supporting information to demonstrate that mitigation of increases to peak stormwater runoff rates can be achieved. The consultant therefore recommends that the Merritt subdivision be approved for drainage subject to the following comments:

Project Description

This is the fourth drainage review report to the Planning Board for this project; the last review was dated April 22, 2015. The project consists of a four lot subdivision of two existing lots in an R-15 zone at a property located on the east side Ehrhardt Road, at the end of Merritt Drive. There are four clay tennis courts, an office building, and a residential structure that are proposed to be removed in order to build four single family residential structures on the new building lots. Runoff flows downhill in a southeasterly direction towards the developed lots along Villa Drive. An existing driveway connecting Merritt Drive to Ehrhardt Road is proposed to be widened and regraded to serve as a private drive for the new residences. Three separate underground detention structures are proposed to mitigate against increases in stormwater runoff due to additional impervious areas.

The underground detention discharges to a swale along the east side of the property adjacent to the subdivision (tax lot 64.18-1-78.4), which is under the same ownership as the applicant. This swale then flows due south along existing off-site residential lots. There is a proposed drainage easement to construct the outfall from the detention basin to tax lot 64.18-1-78.4.

Project Comments

1. More detail is needed for the grading at the new road entrance at Ehrhardt Road. The area is very flat and additional spot grades are needed to demonstrate no ponding will occur.

TOWN CLERKS OFFICE
SEP 1 10 59 AM '15
TOWN OF ORANGETOWN

**PB #15-38: Merritt Subdivision Plan– Final Subdivision Plan Approval
Subject to Conditions**

**Town of Orangetown Planning Board Decision
July 22, 2015
Page 5 of 10**

Continuation of Condition #15....

2. Updated 24 hour rainfall totals as per NYSDEC Stormwater Design Manual of January 2015 shall be utilized in the drainage calculations.
3. The proposed drainage easement shall be limited to tax lot 64.18-1-78.5 instead of straddling both tax lots 64.18-1-78.5 and 64.18-1-78.4. A bend shall be introduced in the storm drain pipe prior to outlet at the headwall in this easement, which will reduce the 90 degree alignment of the point source of discharge to the headwall. The headwall as shown does not match the precast concrete headwall on the detail sheet and will most likely need to be cast in place in the field. More detail of this headwall is needed.
4. Provide details for the riprap at the outlet of the headwall.
5. As per the previous reports, the drainage report shall show an additional design point of interest at the storm drain outlet at the headwall (located adjacent to the northwest corner of tax lot 64.18-1-65) and demonstrate there is no increase in peak runoff rates at this location.
6. The hydrologic model uses a curve number of 79 for subarea 1A and the calculations show a curve number of 89 for proposed conditions. The hydrologic model shall be changed.
7. Proposed Underground Detention System B has a 100-year peak stage of 262.53 and the rim at curb inlets 7 & 8 is 261.7. This will result in the road being surcharged. The drainage system shall be revised to eliminate ponding in the road.
8. CI-11 and 12 are the overflow outlets for Underground Detention System C at the northern limit of the site; they begin surcharging at the 10-year storm and are within 0.2' of surcharging by the 2-year storm. Additional factor of safety shall be provided to reduce the surcharge potential.
9. CI-1 is the overflow outlet for Proposed Underground Detention System A and has a rim elevation of 264.4 and is surcharged by the 50-year storm. The weir length in the modeling at this location should utilize the length of the low side of the catch basin grate and not the entire perimeter of the grate.
10. The project shall list the assumed impervious area per lot on the grading plan and per subarea. No patios, decks, walks, etc. are included in the proposed conditions curve numbers. If the plot plans submitted for building permits proposed additional impervious areas than additional stormwater mitigation measures will be required.
11. Individual details for each of the underground detention systems shall be added to the detail sheet. This shall include a plan view of each system and profile with pipe and stone elevations.
12. The foundation drains that tie into the underground detention systems shall have check valves. The outlet point for the sump pump discharge shall be added to the plan.

TOWN CLERKS OFFICE
THIS SEP 1 AM 10 00
TOWN OF ORANGETOWN

**PB #15-38: Merritt Subdivision Plan-- Final Subdivision Plan Approval
Subject to Conditions**

**Town of Orangetown Planning Board Decision
July 22, 2015
Page 6 of 10**

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

- A review must be completed by the Rockland County Highway Department and any required permits obtained.
- As required by the Rockland County Stream Control Act, the subdivision plan must be reviewed and signed by the Chairman of the Rockland County Drainage Agency before the County Clerk can accept and the plan to be filed.
- As indicated in the June 26, 2015 letter from the Rockland County Health Department, an application must be made to them for review of the stormwater management system to ensure compliance with the County Mosquito Code.
- A map note must be added stating who will be responsible for maintenance of the private road for the proposed subdivision.
- Drawing #1 shall have a map note added to the existing turn around area indicating that it is to be removed.
- 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 Villages, Towns, and County with an adequate supply of water. In any public water supply improvements are required; engineering plans and specification or these improvement shall be reviewed and approved by the Rockland County Department of Health prior to construction in order to ensure compliance with Article 11, Drinking Water Supplies of the Rockland County Sanitary Code and Part 5 of the New York State Sanitary Code.
- For installation of a sanitary sewer system, engineering plans and specifications shall be reviewed and approved by the Rockland County Department of Health prior to construction.
- 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.
- There shall be no net increase in the peak rate of discharge from the site at all design points.

17. The Rockland County Department of Highways reviewed the plans and offered the following comments:

- A Rockland County work permit is required for the proposed development and must be obtained prior to any construction on site.

TOWN CLERKS OFFICE
2015 SEP 1 10 10 AM
TOWN OF ORANGETOWN

**PB #15-38: Merritt Subdivision Plan– Final Subdivision Plan Approval
Subject to Conditions**

**Town of Orangetown Planning Board Decision
July 22, 2015
Page 7 of 10**

18. The Rockland County Department of Health (RCDOH) reviewed the plan and offered the following comments:

- Application is to be made to the RCDOH for review of the storm water management system for compliance with the County Mosquito Code.

19. Based upon Rockland County Drainage Agency (RCDA) evaluation of available mapping and information submitted, it has been determined that the proposed activity is outside the jurisdiction of the RCDA. Therefore, a permit from the RCDA pursuant to the Rockland County Stream Control Act, Chapter 846, is not required based upon its review of the information provided. However, the Rockland County Stream Control Act, Chapter 846, requires that all subdivision maps must be signed by the Chairman of the Rockland County Drainage Agency before the County Clerk can accept same for filing.

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

- All roadways, turnarounds, etc....must provide a proper turning radius to accommodate a 55 foot long pierce of fire apparatus with a wheelbase of 254 inches. Where private roadway meets Merritt Drive, there is a t-shaped turn around shown, if the private roadway terminates at Merritt Drive, then the turnaround must comply with Section FD103 of the New York State Fire Code and be shown in compliance on the site plan.
- All roadways must be a minimum of 20 feet in width with vertical clearance of 13 feet, 6 inches, and able to support fire apparatus weighing up to 75,000 lbs.
- Bridges, 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.

21. 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.

TOWN CLERKS OFFICE
2015 SEP 1 AM 10 00
TOWN OF ORANGETOWN

**PB #15-38: Merritt Subdivision Plan– Final Subdivision Plan Approval
Subject to Conditions**

**Town of Orangetown Planning Board Decision
July 22, 2015
Page 8 of 10**

- 22.** The applicant shall comply with all pertinent items in the Guide to the Preparation of Subdivision Plans prior to signing the final plans.
- 23.** All reviews and approvals from various governmental agencies must be obtained prior to stamping of the Subdivision Plan.
- 24. TREE PROTECTION:** The following note shall be placed on the site plan: The Tree Protection and Preservation Guidelines adopted pursuant to Section 21-24 of the Land Development Regulations of the Town of Orangetown will be implemented in order to protect and preserve both individual specimen trees and buffer area with many trees. Steps that will be taken to preserve and protect existing trees to remain are as follows:
- a. No construction equipment shall be parked under the tree canopy.
 - b. There will be no excavation or stockpiling of earth underneath the trees.
 - c. Trees designated to be preserved shall be marked conspicuously on all sides at a 5 to 10 foot height.
 - d. The Tree Protection Zone for trees designated to be preserved will be established by one of the following methods:
 - One (1) foot radius from trunk per inch DBH.
 - Drip line of the Tree Canopy. The method chosen should be based on providing the maximum protection zone possible. A barrier of snow fence or equal is to be placed and maintained one yard beyond the established tree protection zone. If it is agreed that the tree protection zone of a selected tree must be violated, one of the following methods must be employed to mitigate the impact:
 - Light to Heavy Impacts – Minimum of eight inches of wood chips installed in the area to be protected. Chips shall be removed upon completion of work.
 - Light Impacts Only – Installation of ¾ inch of plywood or boards, or equal over the area to be protected.

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.

TOWN CLERKS OFFICE
2015 SEP 1 PM 10 00
TOWN OF ORANGETOWN

**PB #15-38: Merritt Subdivision Plan– Final Subdivision Plan Approval
Subject to Conditions**

**Town of Orangetown Planning Board Decision
July 22, 2015
Page 9 of 10**

25. 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.
26. 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.
27. The contractor's trailer, if any is proposed, shall be located as approved by the Planning Board.
28. 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).
29. Permanent vegetation cover of disturbed areas shall be established on the site within thirty (30) days of the completion of construction.
30. 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
31. The Planning Board shall retain jurisdiction over lighting, landscaping, signs and refuse control.

TOWN CLERKS OFFICE
2015 SEP 1 PM 10 00
TOWN OF ORANGETOWN

**PB #15-38: Merritt Subdivision Plan– Final Subdivision Plan Approval
Subject to Conditions**

**Town of Orangetown Planning Board Decision
July 22, 2015
Page 10 of 10**

32. 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.

The foregoing Resolution was made and moved by Thomas Warren and seconded by Stephen Sweeney and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, absent; Michael Mandel, aye; William Young, absent; Robert Deil, 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: July 22, 2015
Cheryl Coopersmith
Chief Clerk Boards and Commissions**

TOWN OF ORANGETOWN
2015 SEP 1 AM 10 00
TOWN CLERKS OFFICE

PB #15-39: The Club at Pearl River Amendment to Approved Site Plan, Adjustment for New Location of Water Main– Final Approval Subject to Conditions

Town of Orangetown Planning Board Decision

July 22, 2015

Page 1 of 8

**TO: Donald Brenner, 4 Independence Avenue, Tappan
New York 10983**
FROM: Orangetown Planning Board

RE: The Club at Pearl River Site Plan Amendment: The application of Pearl River Veterans, LLC, owner, (Donald Brenner, attorney for the owner), for a Prepreliminary/ Preliminary/ Final Site Plan Amendment Review for the adjustment to the plan showing the new location of the water main, at a site known as **"The Club at Pearl River 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 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 Blue Hill Road South and Veterans Memorial Drive, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 73.10, Block 1, Lot 4; in the PAC & OP zoning districts.

Heard by the Planning Board of the Town of Orangetown at meetings held **Wednesday, July 22, 2015**, the Board made the following determinations:

Donald Brenner appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated July 15, 2015.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated July 22, 2015.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated July 15, 2015.
4. A letter from the Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning dated July 15, 2015.
5. A letter from the Rockland county Department of Highways, signed by Sonny Lin, P.E., dated July 16, 2015.
6. A letter from the Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated June 22, 2015.
7. A letter from the Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer II, dated June 26, 2015.
8. An interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by Michael Bettmann, Chief Fire Inspector, dated June 22, 2015.
9. A letter from the New York State Department of Environmental Conservation, Division of Environmental Permits, Region 3, signed by Adiron Corichi, dated June 25, 2015, with an attachment.

TOWN CLERKS OFFICE
2015 SEP 1 PM 10 00
TOWN OF ORANGETOWN

PB #15-39: The Club at Pearl River Amendment to Approved Site Plan, Adjustment for New Location of Water Main– Final Approval Subject to Conditions

Town of Orangetown Planning Board Decision

July 22, 2015

Page 2 of 8

10. A letter from the Town of Orangetown Zoning Board of Appeals, signed by Dan Sullivan, Chairman, dated June 17, 2015.

11. Short Environmental Assessment Form signed by Donald Brenner, dated June 12, 2015.

12. "The Club at Pearl River Site Plan Amendment, prepared by JMC Site Development Consultants, dated September 21, 2012 last revision dated June 9, 2015: Drawing SP-6: Site Utilities Plan.

The Board reviewed the plan.

The hearing was then opened to the Public.

There being no one to be heard from the Public, a motion was made to close the Public Hearing portion of the meeting by Stephen Sweeney and seconded by Thomas Warren and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, absent; Michael Mandel, aye; William Young, absent; Robert Dell, aye; Thomas Warren, aye and Stephen Sweeney, 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 JMC Site Development 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 Department of Highways, Rockland County Department of Health, Rockland County Sewer District No.1, and having reviewed a proposed Amendment to the Site Plan by prepared by JMC Site Development Consultants a summary of the reasons supporting this determination are, and the Planning Board finds, that the proposed action:

TOWN CLERKS OFFICE

2015 SEP 1 AM 10 00

TOWN OF ORANGETOWN

PB #15-39: The Club at Pearl River Amendment to Approved Site Plan, Adjustment for New Location of Water Main– Final Approval Subject to Conditions

**Town of Orangetown Planning Board Decision
July 22, 2015
Page 3 of 8**

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

On motion by Thomas Warren and seconded by Michael Mandel and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, absent; Michael Mandel, aye; William Young, absent; Robert Dell, aye; Thomas Warren, aye and Stephen Sweeney, aye, the Board reaffirmed the Negative Declaration pursuant to SEQRA.

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

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

TOWN CLERKS OFFICE
2015 SEP 1 PM 10 00
TOWN OF ORANGETOWN

**PB #15-39: The Club at Pearl River Amendment to Approved Site Plan,
Adjustment for New Location of Water Main– Final Approval Subject to
Conditions**

**Town of Orangetown Planning Board Decision
July 22, 2015
Page 4 of 8**

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 location of the proposed water line was moved from between Buildings 4 and 5 to a new location between Buildings 3 and 4. The Planning Board requests that any plantings proposed to be planted Buildings 3 and 4 be relocated and planted between Buildings 4 and 5.
4. The Short Environmental Assessment Form appears to be in order.
5. After construction is completed, the applicant shall plant some low level shrubs in the project area. In addition, the applicant noted that a force main will be crossing the southwest corner of Veterans Drive and Blue Hill Road South and some trees will need to be removed. The Board requested that after construction is completed that some low level shrubs be planted in that location.
6. Rockland County Department of Planning had the following comments which are incorporated herein as conditions of approval:
 - As indicated in the June 22, 2015 letter from the Rockland County Department of Health, the revised water main plans must be submitted to that Department for review and approval.
 - A review must be completed by United Water New York and any comments or concerns addressed.
 - An updated review must be completed by the County of Rockland Department of Highways and all required permits obtained.
7. 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.
8. The Rockland County Department of Health (RCDOH) reviewed the plans and requests that revised water main plans be submitted to RCDOH for approval.
9. The Town of Orangetown Bureau of Fire Prevention requests that all roadways be stabilized and hydrants are operational prior to the framing of any buildings as per New York State Fire Code Section:, 501.4: Timing of installation. When fire apparatus access roads or a water supply for fire protection is required to be installed, such protection shall be installed and made service able prior to and during the time of construction except when approved alternative methods of protection are provided.

TOWN CLERKS OFFICE

2015 SEP 1 5M 10 00

TOWN OF ORANGETOWN

**PB #15-39: The Club at Pearl River Amendment to Approved Site Plan,
Adjustment for New Location of Water Main– Final Approval Subject to
Conditions**

Town of Orangetown Planning Board Decision

July 22, 2015

Page 5 of 8

10. The Rockland County Department of Highways (RCHD) reviewed the submitted information and offered the following remarks for consideration:
- It is recommended that a narrative be provided showing the rationale for the adjustment of the new water main location.
 - The areas of the new water main location shall be clouded to highlight the latest revision.
 - A RCHD Work Permit will be required prior to any proposed construction on site.
 - A separate RCHD Road Opening Permit will be required prior to any sewer or utility connections that may require disruption to the paved surface within the County Highway.

11. New York State DEC has reviewed the submitted information and offers the following comments:

1. The stream is located within or near the site - Unnamed Tributary
Class A, DEC Water Index Number NJ-2

Status – Protected: A Protection of Waters permits is required to physically disturb the bed or banks (up to 50 feet from stream) of any streams identified above as “protected.”

2. DEC as reviewed the State’s Natural Heritage records and have determined that the site is located within or near records of the following state listed species: Bald Eagle – Threatened: A permit is required for the incidental taking of any species identified as “endangered or “threatened”, which can include the removal of habitat.

3. Cultural Resources. Records indicate that the project is located within an area considered to be sensitive with regard to archaeological resources.

TOWN CLERKS OFFICE
2015 SEP 1 PM 10 00
TOWN OF ORANGETOWN

PB #15-39: The Club at Pearl River Amendment to Approved Site Plan, Adjustment for New Location of Water Main– Final Approval Subject to Conditions

Town of Orangetown Planning Board Decision

July 22, 2015

Page 6 of 8

12. 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
- Rockland County Department of Highways

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

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

- One (1) foot radius from trunk per inch DBH.
- Drip line of the Tree Canopy. The method chosen should be based on providing the maximum protection zone possible. A barrier of snow fence or equal is to be placed and maintained one yard beyond the established tree protection zone. If it is agreed that the tree protection zone of a selected tree must be violated, one of the following methods must be employed to mitigate the impact:
 - Light to Heavy Impacts – Minimum of eight inches of wood chips installed in the area to be protected. Chips shall be removed upon completion of work.
 - Light Impacts Only – Installation of $\frac{3}{4}$ inch of plywood or boards, or equal over the area to be protected.

TOWN CLERKS OFFICE

2015 SEP 1 PM 10 00

TOWN OF ORANGETOWN

**PB #15-39: The Club at Pearl River Amendment to Approved Site Plan,
Adjustment for New Location of Water Main- Final Approval Subject to
Conditions**

**Town of Orangetown Planning Board Decision
July 22, 2015
Page 7 of 8**

Continuation of Condition #15....

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.

16. 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.

17. 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.

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

19. 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).

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

21. 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

TOWN CLERKS OFFICE

2015 SEP 1 PM 10 00

TOWN OF ORANGETOWN

**PB #15-39: The Club at Pearl River Amendment to Approved Site Plan,
Adjustment for New Location of Water Main– Final Approval Subject to
Conditions**

**Town of Orangetown Planning Board Decision
July 22, 2015
Page 8 of 8**

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

23. All of the conditions of this decision, shall be binding upon the owner of the subject property, its successors and/or assigns, including the requirement to maintain the property in accordance with the conditions of this decision and the requirement, if any, to install improvements pursuant to Town Code §21A-9. Failure to abide by the conditions of this decision as set forth herein shall be considered a violation of Site Plan Approval pursuant to Town Code §21A-4.

The foregoing Resolution was made and moved by Stephen Sweeney and seconded by Thomas Warren and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, absent; Michael Mandel, aye; William Young, absent; 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: July 22, 2015
Cheryl Coopersmith
Chief Clerk Boards and Commissions**

TOWN CLERKS OFFICE
2015 SEP 1 AM 10 00
TOWN OF ORANGETOWN

**NEGATIVE DECLARATION
Notice of Determination of Non-Significance
Town of Orangetown Planning Board Decision**

**PB #15-39: The Club at Pearl River Amendment to Approved Site Plan,
Adjustment for New Location of Water Main– Final Approval Subject to
Conditions**

**Town of Orangetown Planning Board Decision
July 22, 2015**

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

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

NAME OF ACTION: The Club at Pearl River Amendment to Approved Site Plan, Adjustment for New Location of Water Main

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

DESCRIPTION OF ACTION: Site Plan Amendment

LOCATION: The site is located at Blue Hill Road South and Veterans Memorial Drive, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 73.10, Block 1, Lot 4; in the PAC & OP zoning districts.

REASONS SUPPORTING THIS DETERMINATION:

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

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

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

For Further Information contact:

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

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

2015 SEP 1 PM 10 00

TOWN OF ORANGETOWN

**PB #15-42: One Ramland Road Site Plan Amendment – Generator Location;
Preliminary Site Plan Amendment Approval Subject to Conditions/ Neg.
Dec.**

**Town of Orangetown Planning Board Decision
July 22, 2015
Page 1 of 10**

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

RE: One Ramland Road Site Plan Amendment: The application of Ramland Holdings LLC, owner, (Donald Brenner, attorney for the owner), for a Prepreliminary/ Preliminary/ Final Site Plan Amendment Review for the relocation of the Generator at a site known as **“One Ramland Road 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 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 1 Ramland Road, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 73.20, Block 1, Lot 24; in the LIO zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **July 22, 2014** at which time the Board made the following determinations:

Donald Brenner appeared and testified for the applicant

The Board received the following communications:

1. Project Review Committee Report dated July 15, 2015.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated July 22, 2015.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., July 16, 2015.
4. Letters from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated July 22 & 20, 2015.
5. A letter from the Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning dated July 16, 2015.
6. A letter from the Rockland County Department of Highways, signed by Sonny Lin, P.E., dated July 16, 2015.
7. Letters from the Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated June 26, 2015.
8. A letter from Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer, dated June 26, 2015.

TOWN CLERKS OFFICE
2015 SEP 1 PM 10 00
TOWN OF ORANGETOWN

**PB #15-42: One Ramland Road Site Plan Amendment – Generator Location;
Preliminary Site Plan Amendment Approval Subject to Conditions/ Neg.
Dec.**

**Town of Orangetown Planning Board Decision
July 22, 2015
Page 2 of 10**

9. A letter from the Town of Orangetown Zoning Board of Appeals, signed by Dan Sullivan, Chairman, dated July 1, 2015.
10. A letter from the New York State Department of Environmental Conservation, Division of Environmental Permits, Region 3, signed by Adiron Corichi, dated June 25, 2015.
11. A Short Environmental Assessment Form signed by Patrick Hynes, dated June 18, 2015.
12. A copy of PB #12-24, Final Site Plan Approval Subject to Conditions, One Ramland Road Generators and Chillers, dated May 9, 2012.
13. Conceptual Amended Site Plan Development Plan Proposed Building and Generator Enclosure, Ramland Holdings LLC, prepared by Jay Greenwell, PLS dated May 27, 2015.
14. Presented at the meeting, Conceptual Amended Site Plan Development Plan Proposed Building and Generator Enclosure, Ramland Holdings LLC, prepared by Jay Greenwell, PLS dated May 27, 2015, last revision date of July 10, 2015.

The Board reviewed the plan. The hearing was then open 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 Stephen Sweeney and seconded by Michael Mandel and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, absent; Michael Mandel, aye; William Young, absent; Robert Dell, aye; Thomas Warren, aye and Stephen Sweeney, 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 Jay Greenwell, PLS, and having heard from the following offices, officials and/or Departments: (Town of Orangetown): Project Review Committee, Office of Building, Zoning, Planning Administration, Enforcement and the Department of

TOWN CLERKS OFFICE
2015 SEP 1 AM 10 00
TOWN OF ORANGETOWN

**PB #15-42: One Ramland Road Site Plan Amendment – Generator Location;
Preliminary Site Plan Amendment Approval Subject to Conditions/ Neg.
Dec.**

**Town of Orangetown Planning Board Decision
July 22, 2015
Page 3 of 10**

Environmental Management and Engineering and having heard from the following involved and interested agencies: Town of Orangetown Zoning Board of Appeals, Rockland County Department of Highways, Rockland County Department of Health, Rockland County Sewer District No. 1, New York State Department of Environmental Conservation and having reviewed Plans prepared by Jay Greenwell, PLS 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.

TOWN OF ORANGETOWN
TOWN CLERKS OFFICE
JUL 23 2015
TOWN CLERKS OFFICE

**PB #15-42: One Ramland Road Site Plan Amendment – Generator Location;
Preliminary Site Plan Amendment Approval Subject to Conditions/ Neg.
Dec.**

**Town of Orangetown Planning Board Decision
July 22, 2015
Page 4 of 10**

On motion by Thomas Warren and seconded by Stephen Sweeney and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, absent; Michael Mandel, aye; William Young, absent; Robert Dell, aye; Thomas Warren, aye and Stephen Sweeney, 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 a Preliminary Site Plan Amendment Approval Subject to the Following Conditions:

1. The following note shall be placed on the Site Plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a meeting."
2. The following note shall be placed on the Site Plan regarding Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.
3. The applicant shall verify that 3 generators will be placed on the site.
4. The yard setback to the proposed generators shall be shown on the Site Plan. This new setback will require a variance from the Town of Orangetown Zoning Board of Appeals. Please amend the Zoning Bulk Table to reflect the proposed setback.
5. A Performance Standards review by the Town of Orangetown Zoning Board of Appeals is required.
6. Please provide the specifications of the generators, such as noise output, noise attenuation, etc.
7. Please indicate if these generators are in addition or in lieu of the already approved generators to the north of the property.
8. The applicant shall provide an elevation view of how the proposed generators will be screened.
9. This review is for the generators only and not for any other site changes.

TOWN CLERKS OFFICE

2015 SEP 1 PM 10 00

TOWN OF ORANGETOWN

**PB #15-42: One Ramland Road Site Plan Amendment – Generator Location;
Preliminary Site Plan Amendment Approval Subject to Conditions/ Neg.
Dec.**

**Town of Orangetown Planning Board Decision
July 22, 2015
Page 5 of 10**

10. The Short Environmental Assessment Form appears to be in order; however the Planning Board as lead agency shall weight the above comments before completing the SEQRA review.

11. The plans shall be reviewed by the Town of Orangetown Architecture and Community Appearance Board of Review.

12. The proposed generators appear to be located right next to the existing structure, with no free/ open space between. The applicant shall verify that this proposed placement is allowed by code, i.e. building, fire, etc.

13. The applicant presented revised plans dated July 10, 2015, requesting three (3) generators. The drawing notes that the location of the generators is "closing off" two entrances. Clarify if new entrances are to be added to the building and if the entrances/ exists that are being removed fire or safety exists.

14. If these 3 generators are to be relocated from the previous approved location on the north side of the building, then the drawing shall be modified to show 3 less generators on the north or show which are being removed/ relocated from the north side.

15. The Drainage Consultant to the Planning Board, Brooker Engineering reviewed the application and found the application has demonstrated that potential significant adverse impacts with respect to increases in peak stormwater runoff rates can mitigated and therefore recommends that One Ramland Road Generator Plan be approved for drainage subject to the following comments:

Project Description

This is the sixth drainage review report to the Planning Board for this project; the last report was dated July 20, 2015. The property is on the northeast corner of the intersection of Ramland Road and Blaisdell Road. The parcel is mostly developed for a Light Industrial Use. The previous review was for a building addition on the east side of the existing building and an Orange and Rockland Substation, generators, chillers, and fuel storage tanks north of the existing building. The last drainage review report was for approval for drainage subject to nine conditions.

Review of July 22, 2015 Submission

The information for the amended Site Plan application is for three new generator pads on the south side of the existing building, with approximately 6,800 square feet of new impervious coverage being added. Stormwater mitigation has been conservatively designed to store the entire 100-year, 24-hour rainfall over the new impervious area by using six 10' diameter, eight feet deep drywells in the front parking lot.

TOWN CLERKS OFFICE

2015 SEP 1 AM 10 00

TOWN OF ORANGETOWN

**PB #15-42: One Ramland Road Site Plan Amendment – Generator Location;
Preliminary Site Plan Amendment Approval Subject to Conditions/ Neg.
Dec.**

**Town of Orangetown Planning Board Decision
July 22, 2015
Page 6 of 10**

Continuation of Condition #15...

Comments from our July 24, 2013 drainage review report are still applicable with respect to the proposed land activity on the north side of the building.

Project Comments

1. The size of the new concrete pads shall be dimensioned on the plans. The assumed size of 6,800 cumulative square feet appears conservative.
 2. It shall be demonstrated how stormwater runoff from the concrete pads will be conveyed to the field inlets, which will direct runoff to the drywells.
 3. The drainage calculations shall use the inside diameter of the drywell to calculate the available storage of the drywell. The calculations for the volume of the crushed stone shall be provided; crushed stone storage below the invert of the drywell shall not be included in available storage.
 4. A map note shall be added that soil test pits will have to be performed to verify the soil percolation rate and no seasonal groundwater.
 5. A maintenance schedule shall be provided on the Site Plan.
 6. An overflow outlet shall be provided; the Drainage Consultant recommends a field inlet grate on one of the drywells near the existing field inlet in the driveway.
 7. A Drainage Inlet Detail shall be provided.
 8. Invert elevations for the pipes and drywells shall be provided.
 9. A Sediment and Erosion Control Plan shall be prepared.
16. Rockland County Department of Planning had the following comments which are incorporated herein as conditions of approval:
- A review shall be completed by the Rockland County Department of Highways and all required permits obtained.
 - The comments in the June 26, 2015 letter from the Rockland County Department of Health must be met. The applicant may need to register as a Petroleum Bulk Storage Facility, depending on the total amount of petroleum to be stored on the proposed.
 - The applicant must obtain any necessary permits from the New York State Department of Environmental Conservation's Division of Air Resources for the proposed generators.
 - If any variances will be 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).

TOWN CLERKS OFFICE
2015 SEP 1 AM 10 00
TOWN OF ORANGETOWN

**PB #15-42: One Ramland Road Site Plan Amendment – Generator Location;
Preliminary Site Plan Amendment Approval Subject to Conditions/ Neg.
Dec.**

**Town of Orangetown Planning Board Decision
July 22, 2015
Page 7 of 10**

17. The Rockland County Department of Highway (RCDH) reviewed the proposed action

And offered the following remarks for consideration:

1. The Site Plan contains a road widening along Blaisdell Road. This gratuitous dedication needs to be shown as finalized in the form of a deed filed with the Rockland County clerk's Office.
2. A copy of the drainage study for this project shall be forwarded to RCDH for review.
3. A RCDH Work Permit will be required prior to any proposed construction on site.
4. A separate RCDH Road Opening Permit will be required prior to any sewer or utility connections that may require disruption to the paved surface within the County Highway.

18. Rockland County Department of Health (RCDOH) offered the following comment:

- The applicant may need to register as a Petroleum Bulk Storage (PBS) facility, dependent on the total amount of petroleum being stored on the property. Contact Ebi Elaahi at RCDOH to coordinate.

19. 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.

20. New York State Department of Environmental Conservation has determined that the site is located within or near records of the following state listed species: Balk Eagle – Status: Threatened. Contact Lia Masi of Wildlife at DEC. The site is located within an area considered to be sensitive with regard to archaeological resources. Contact NYS Office of Historic Preservation website.

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

- Rockland County Department of Highways
- Rockland County Health Department
- Town of Orangetown Zoning Board of Appeals
- New York State Department of Environmental Conservation

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

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

TOWN CLERKS OFFICE
2015 SEP 1 9M 10 00
TOWN OF ORANGETOWN

**PB #15-42: One Ramland Road Site Plan Amendment – Generator Location;
Preliminary Site Plan Amendment Approval Subject to Conditions/ Neg.
Dec.**

**Town of Orangetown Planning Board Decision
July 22, 2015
Page 8 of 10**

24. The applicant shall comply with all pertinent and applicable conditions of previous Board Decisions: PB #12-24, Final Site Plan Approval Subject to Conditions, dated May 9, 2012; ZBA #12-29, Performance Standards, dated May 2, 2012 and PB #12-15, Preliminary Site Plan Approval Subject to Conditions, dated April 11, 2012.

25. All of the conditions of this decision, shall be binding upon the owner of the subject property, its successors and /or assigns, including the requirement to maintain the property in accordance with the conditions of this decision and the requirement, if any, to install improvements pursuant to Town Code §21A-9. Failure to abide by the conditions of this decision as set forth herein shall be considered a violation of Site Plan Approval pursuant to Town Code §21A-4.

26. 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.

TOWN CLERKS OFFICE

THIS SEP 1 5 10 01

TOWN OF ORANGETOWN

**PB #15-42: One Ramland Road Site Plan Amendment – Generator Location;
Preliminary Site Plan Amendment Approval Subject to Conditions/ Neg.
Dec.**

**Town of Orangetown Planning Board Decision
July 22, 2015
Page 9 of 10**

27. 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.

28. 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.

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

30. 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).

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

TOWN CLERKS OFFICE

2015 SEP 1 AM 10 01

TOWN OF ORANGETOWN

**PB #15-42: One Ramland Road Site Plan Amendment – Generator Location;
Preliminary Site Plan Amendment Approval Subject to Conditions/ Neg.
Dec.**

**Town of Orangetown Planning Board Decision
July 22, 2015
Page 10 of 10**

32. 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

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

The foregoing Resolution was made and moved by Stephen Sweeney and seconded by Michael Mandel and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, absent; Michael Mandel, aye; William Young, absent; 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: July 22, 2015
Cheryl Coopersmith
Chief Clerk Boards and Commissions**
Attachment



TOWN CLERKS OFFICE
2015 SEP 1 10 10 AM
TOWN OF ORANGETOWN

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

**PB #15-42: One Ramland Road Site Plan Amendment – Generator Location;
Preliminary Site Plan Amendment Approval Subject to Conditions/ Neg.
Dec.**

**Town of Orangetown Planning Board Decision
July 22, 2015**

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: One Ramland Road Site Plan Amendment – Generator Location

SEQR STATUS: Type I _____ Unlisted XXXXXX

CONDITIONED NEGATIVE DECLARATION: Yes _____ No XXXXXX

DESCRIPTION OF ACTION: Site Plan Amendment

LOCATION: The site is located at 1 Ramland Road, Tappan, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 73.20, Block 1, Lot 24 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 action. The proposed action is consistent with the Town of Orangetown's Master Plan and will not have any adverse economic or social impacts upon the Town or its businesses or residences.

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

For Further Information contact:

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

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

2015 SEP 1 PM 10 01
TOWN OF ORANGETOWN