

**Meeting of March 11, 2015
Town of Orangetown Planning Board**

MEMBERS PRESENT: Kevin Garvey, Chairman; Bruce Bond; Vice Chairman; William Young; Michael Mandel; Stephen Sweeney; Thomas Warren and Robert Dell (arrived at 9:10 p.m.)

MEMBERS ABSENT: None

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

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

New Items:

Anellotech Inc. Site Plan Addition to Building 123 Final Site Plan Review 401 North Middletown Road, Pearl River 68.08/1/1; LI zoning district	Continued to April 22, 2015 Meeting	PB #15-13
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Silva Site Plan Critical Environmental Area Prepreliminary/ Preliminary/ Final Site Plan and SEQRA Review 929 Route 9W, Upper Grandview 71.13/1/12; R-22 zoning district	Postponed to March 25, 2015 Meeting	PB #15-14
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The Saloon Site Plan Final Site Plan Review Building Addition Plan 45-49 West Central Avenue, Pearl River 68.16/1/9; CC zoning district	Final Site Plan Approval Subject to Conditions	PB #15-15
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The decisions of the February 11, 2015 Planning Board Meeting was reviewed, edited, and approved. The motion for adoption was made and moved by William Young and seconded by Stephen Sweeney and carried as follows: Kevin Garvey, aye; Bruce Bond, aye; Michael Mandel, aye, William Young, aye; Robert Dell, aye; Stephen Sweeney and Thomas Warren, aye.

The decisions of the February 25, 2015 Planning Board Meeting was reviewed, edited, and approved. The motion for adoption was made and moved by William Young and seconded by Stephen Sweeney and carried as follows: Kevin Garvey, aye; Bruce Bond, aye; Michael Mandel, aye, William Young, aye; Robert Dell, aye; Stephen Sweeney and Thomas Warren, aye.

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

Since there was no further business to come before the Board, a motion to adjourn the meeting was made by Bruce Bond and seconded by Michael Mandel and agreed to by all in attendance. The meeting was adjourned at 10:35 p.m. The next Planning Board meeting is scheduled for March 25, 2015.

DATED: March 11, 2015
Cheryl Coopersmith
Chief Clerk Boards and Commissions



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

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

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, March 11, 2015**, the Board made the following determinations:

Donald Brenner and Sarah Torrens appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated March 4, 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 March 11, 2015.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated March 5, 2015.
4. A letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated June 11, 2014.
5. A letter from the Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning dated February 26, 2015.
6. A letter from the Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated February 6, 2015.
7. A letter from the Rockland County Department of Highways, signed by Sonny Lin, P.E., dated March 11, 2015.
8. An interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by Michael Bettmann, Chief, dated February 26, 2015.
9. Site Plans prepared by Leonard Jackson Associates, dated March 17, 2014, last revision date of January 23, 2015:

Drawing 1: Title Sheet

Drawing 2: Layout Plan

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10. Information Drawings:

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

11. Copies of the following Board Decisions: ACABOR #15-03, Approved Subject to Conditions, dated January 22, 2015, ZBA #14-78, Floor Area Ratio, Side Yard, Building Height and Off-Street Parking Variances Approved, dated November 5, 2014 and PB #13-45, Preliminary Site Plan Approval Subject to Conditions, dated July 11, 2014.

The Board reviewed the plan.

The hearing was then opened to the Public. There being no one to be heard from the Public, a motion was made to close the Public Hearing portion of the meeting by Bruce Bond and seconded by Michael Mandel and carried as follows: Bruce Bond, aye; Michael Mandel, aye; William Young, aye; Robert Dell, aye; Stephen Sweeney, aye; Thomas Warren, aye and Kevin Garvey, 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 previous and pertinent Board Conditions: ACABOR #15-03, Approved Subject to Conditions, dated January 22, 2015, ZBA #14-78, Floor Area Ratio, Side Yard, Building Height and Off-Street Parking Variances Approved, dated November 5, 2014 and PB #13-45, Preliminary Site Plan Approval Subject to Conditions, dated July 11, 2014.

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4. The property lies within a special flood hazard area designated as a Zone AE on Flood Insurance Rate Map (FIRM), Panel 167 of 207. The 100 year floodplain base flood elevation (BFE) is 222.66 feet using the National Geodetic Vertical Datum of 1920 and 221.66 feet using the North American Vertical Datum of 1988. The BFE used for this application was 222.66 feet. Based on the above data, the lowest floor elevation of the proposed extension should be elevated two feet above the BFE, or to an elevation of 224.66 feet. The layout plan shows the first floor elevation of the extension at 222.66 feet. Therefore, based on the above, the following items need to be addressed:

A. The elevation views of the architectural plans shall label each floor of the building, such as “first floor”. “second floor”, etc. The elevation views shall also show each floor elevation of the building as compared with the BFE. In addition, the BFE shall be placed on the elevation views of the architectural plans.

B. The open bottom areas of the building shall have a total net area of not less than one square inch for every square foot of enclosed area subject to flooding. Please provide proof that this requirement has been met.

C. The lowest floor of the extension shall be elevated two feet above the BFE. Since the layout plan has the first floor elevation of the extension at the BFE, then the structure has to be floodproofed watertight below two feet above the base flood elevation with walls substantially impermeable to the passage of water. If the structure is to be floodproofed, then a New York State Licensed professional engineer or architect shall develop an/or review structural design, specifications and plans for construction. A floodproofing certificate shall be provided that certifies the design and methods of construction are in accordance with accepted standards for meeting the above floodproofing requirements. Furthermore, all structures below the BFE must be capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. Please provide details from a New York State licensed professional engineer or architect for the above items.

5. Issuance of the floodplain permit is pending upon submission and approval of the items noted in the above condition, Condition #4 of PB #15-13.

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

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

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8. Drainage Review Recommendation

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

Project Description

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

Review of Additional Information

The applicant's engineer has indicated that the proposed drainage pattern will remain. As per the June 5, 2014 letter from Leonard Jackson Associates, the parking lot is not proposed to be repaved. If the parking lot is to be repaved in the future, a grading and drainage plan shall be prepared and reviewed by the Planning Board that shows the proposed drainage pattern. Given the flat site and existing off-site buildings on the west, a new overlay pavement course may adversely impact the off-site buildings to the west if not properly designed. The building addition is constructed on piers and has an open foundation covered with lattice. This is indicated on the Site Plan, elevation certificate, and architectural drawing BD4. The proposed lattice covering the openings shall be constructed as per the architectural not, which requires it to be open at the bottom and allow stormwater runoff to flow underneath. As per the engineer's description, the stormwater runoff will continue to follow the easterly drainage pattern and will not adversely impact the off-site building to the west. Previous alternatives for proposed parking lot modifications have been removed from the current submission.

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Continuation of Condition #8....

Project Comments

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

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

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

1) An updated review must be completed by the Rockland County Department of Highways and all any required permits obtained.

2) An updated review must be completed by the New York State Department of Transportation and all required permits obtained.

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

4) The minutes from the November 4, 2014 Zoning Board of Appeals meeting indicate that the applicant has agreed to remove the sheds/ storage trailers shown on the Site Plan... The sheds are still shown on the Site Plan, with no reference to being removed. The Site Plan must be updated with a map note indicating that these structures will be removed as required by the Town of Orangetown Zoning Board of Appeals.

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10. Rockland County Health Department (RCDOH) reviewed the plans and found that there are no RCDOH approvals needed for this application.

11. The Rockland County Department of Highways reviewed the information and plans and provided the following comments:

1) The zero net increase in the peak rate of discharge for storm water from all design points within this project shall be demonstrated together with existing drainage location with grading, erosion and sedimentation control information.

2) Notes 15 on Drawing 2 indicate Orangetown Superintendent of Highway should be provided with plans while this development is bounded by County and State Highway only. Please correct.

3) A Rockland County Highway Department Work Permit will be required for the proposed development prior to any construction on site.

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

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

- *Drawing dated June 4, 2014 does not show any vehicle access to the rear of the building.*
- *All driveway areas other than designated parking spaces shall be dedicated fire lanes with striping and signs indication such. There are no parking spaces shown on the June 4, 2014 drawing.*
- *Decrease the size of the curb area around parking spaces 11-14. Does not apply if there are no parking spaces.*

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Continuation of Condition #13...

- Using the supplied occupancy calculations, there is a total of 179 persons on the 2nd floor and 120 on the roof; this is a large number to have exiting into the alley ways. There needs to be clear egress from the rear of the building, allowing occupants to evacuate the area. In addition, will these spaces be used during Parades, (Thanksgiving eve, etc., these are traditionally busy days and overcrowding has been an issue). *The June 4, 2014 drawing shows a small walkway on the northwest corner of the lot, the alley between the Saloon and the adjacent building is obstructed by HVAC equipment, etc. and the driveway on the east side is against the creek with no protection to prevent patrons from falling.*
- Sprinkler drawings, fire alarm drawings and construction plans shall be provided for review and approval.
- There is a generator shown on the drawing, clarify if this generator is proposed or presently in place.

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

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

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

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

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

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Continuation of Condition #16...

- Light to Heavy Impacts – Minimum of eight inches of wood chips installed in the area to be protected. Chips shall be removed upon completion of work.
- Light Impacts Only – Installation of ¾ inch of plywood or boards, or equal over the area to be protected.

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

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

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

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

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

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21. Permanent vegetation cover of disturbed areas shall be established on the site within thirty (30) days of the completion of construction.
22. Prior (at least 14 days) to the placing of any road sub-base, the applicant shall provide the Town of Orangetown Superintendent of Highways and 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
23. The Planning Board shall retain jurisdiction over lighting, landscaping, signs and refuse control.
24. All of the conditions of this decision, shall be binding upon the owner of the subject property, its successors and /or assigns, including the requirement to maintain the property in accordance with the conditions of this decision and the requirement, if any, to install improvements pursuant to Town Code §21A-9. Failure to abide by the conditions of this decision as set forth herein shall be considered a violation of Site Plan Approval pursuant to Town Code §21A-4.

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

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

Dated: March 11, 2015
Cheryl Coopersmith
Chief Clerk Boards and Commissions



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