

**Meeting of March 23, 2016
Town of Orangetown Planning Board**

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

MEMBER ABSENT: Bruce Bond, Vice Chairman

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:

George's Auto Body Site Plan	PB #16-11
Prepreliminary/ Preliminary Site Plan and SEQRA Review Route 303 Overlay Zone 579 Route 303, Blauvelt 70.15/1/47; CC zoning district	Preliminary Site Plan Approval Subject to Conditions Neg. Dec.

Pfizer, Inc. Site Plan	PB #16-12
Addition to Building #222 Prepreliminary/ Preliminary Site Plan and SEQRA Review 401 No. Middletown Road, Pearl River 68.08/1/5; LI zoning district	Preliminary Site Plan Approval Subject to Conditions Neg. Dec.

Celtic Sheet Metal Site Plan	PB #16-13
Final Site Plan and Conditional Use Permit Review Addition to Existing Building 1 Corporate Drive, Orangeburg 73.20/1/32; LIO zoning district	Final Site Plan Approval Subject to Conditions and Conditional Use Permit Granted

Brightview Senior Living Tappan Site Plan	PB #16-14
Final Site Plan Review 31 Hunt Road, Pearl River 73.15/1/10; R-80 zoning district	Final Site Plan Approval Subject to Conditions

American Legion Site Plan	PB #16-15
Ancillary Parking Facility Plan Final Site Plan Review 61 Hunt Road, Pearl River 73.15/1/2; R-80 zoning district	Final Site Plan Approval Subject to Conditions

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TOWN OF ORANGETOWN

March 23, 2016 Planning Board Meeting

The decisions of the February 10, 2016 Planning Board Meeting was reviewed, edited, and approved. The motion for adoption was made and moved by Stephen Sweeney and seconded by Kevin Garvey and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, absent; William Young, aye; Thomas Warren, aye, Robert Dell, aye; Stephen Sweeney, aye and Michael Mandel, abstain.

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 Michael Mandel and seconded by Stephen Sweeney and agreed to by all in attendance. The meeting was adjourned at 9:00 p.m. The next Planning Board meeting is scheduled for April 13, 2016.

DATED: March 23, 2016
Cheryl Coopersmith
Chief Clerk Boards and Commissions



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**PB#16-11: George's Auto Body Site Plan: Preliminary Site Plan Approval
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TO: Jay Greenwell, 85 Lafayette Avenue, Suffern, New York
FROM: Orangetown Planning Board

RE: George's Auto Body Site Plan: The application of George Boghas, owner, for Prepreliminary/ Preliminary Site Plan Review at a site to be known as "**George's Auto Body Site Plan**", in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21A of the Code of the Town of Orangetown and to determine the environmental significance of the application pursuant to the requirements of the New York State Environmental Quality Review Act. The site is located at 579 Route 303, Blauvelt, in the Route 303 Overlay Zone, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 70.15, Block 1, Lot 47 in the CC zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, March 23, 2016**, the Board made the following determinations:

Jay Greenwell, George Boghas and Kier Levesque appeared and testified. The Board received the following communications:

1. Project Review Committee Report dated March 15, 2016.
2. An Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated March 23, 2016.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated March 17, 2016.
4. A letter from the Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated March 10, 2016.
5. A letter from the Rockland County Department of Highways, signed by Sonny Lin, P.E., dated March 21, 2016.
6. A letter from the Rockland County Drainage Agency, signed by Vincent Altieri, Executive Director, dated February 29, 2016.
7. A letter from the Rockland County Sewer District No.1, signed by Joseph LaFindra, Engineer I, dated March 4, 2016.
8. Letters from the Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated February 25, 2016.
9. A letter from the Town of Orangetown Zoning Board of Appeals, signed by Dan Sullivan, Chairman, dated March 2, 2016.
10. An Email from Michael Bettmann, Chief Fire Inspector, Bureau of Fire Prevention, Town of Orangetown, dated March 16, 2016.
11. An Interdepartmental memorandum from the Highway Department, Town of Orangetown, signed by James Dean, Superintendent of Highways, dated March 21, 2016.

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12. A Short Environmental Assessment Form, signed by Jay Greenwell, PLS, dated February 4, 2016.
13. Plans prepared by Jay Greenwell, PLS:
 - Site Plan dated December 14, 2015
 - Detail Sheet dated February 4, 2016
14. Building Permit Referral dated January 25, 2016, signed by Rick Oliver, Building Inspector.

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 William Young and seconded by Thomas Warren and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, absent; Michael Mandel, aye; William Young, aye; 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 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, aye; 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 Jay Greenwell, PLS, 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

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agencies: Town of Orangetown Zoning Board of Appeals, Rockland County Sewer District No.1, Rockland County Department of Highway, Rockland County Department of Health, and having reviewed proposed Site Plan by 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.

On motion 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, aye; 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 PRELIMINARY SITE PLAN APPROVAL SUBJECT TO THE FOLLOWING CONDITIONS:**

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1. The following note shall be placed on the Site Plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a Pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a Meeting".
2. Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.
3. The original auto body shop building on this property was recently damaged by a fire. The owner has received a Building Permit to reconstruct the original building in kind. As part of that building permit, the property owner shall conform to the originally approved Site Plan. The owner is proposing an addition to the original building and modifications to the original Site Plan.
4. The zoning district boundary lines shall be shown on the Vicinity Map.
5. The property lies within the Route 303 Overlay Zoning District. The Auto Body Shop is a prohibited use in the Route 303 Overlay Zoning District and therefore the use is a nonconforming use. The original building was approved for 3,089 square feet and the proposed building with the addition is 4,563 square feet. Under Section 9.34 of the Orangetown Zoning Code, Chapter 43, an extension of a nonconforming use is permitted on application of the Town of Orangetown Zoning Board of Appeals, up to but not exceeding an aggregate increase of 50% in its floor area. Since the expansion is 1,474 square feet, a Zoning Board of Appeals variance needs to be sought for the proposed addition.
6. The Route 303 Overlay Zoning District requires a 25 foot wide vegetative buffer adjacent to the Route 303 right of way and zero feet is provided. A Zoning Board of Appeals variance needs to be sought, Chapter 43, Section 13.10, B (2). Please be advised the original Site Plan did show vegetation in the front of the building and the rear of the property.
7. The proposed Site Plan shows 10 overhead doors. It shows 3 outdoor storage spaces on the property. Since outdoor storage is proposed, a Zoning Board of Appeals variances needs to be sought, Table of General Use Regulations, CC, Column 7, No 2, refers to CS, Column 7 No. 3.

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8. The location of any proposed signage shall be shown on the Site Plan
9. The number of parking spaces needs to be recalculated based on "Auto Repair" requirements. Only currently licensed vehicles shall be parked or stored for no more than 5 days, with the total number based on 3 plus 4 for each service bay.
10. The Short Environmental Assessment Form, questions 5a and 5b shall be answered "No". The Route 303 Overlay Zoning District prohibits auto repair shops; however the use was legally nonconforming.
11. The applicant's engineers shall submit calculations showing the amount of existing and proposed impervious area and the existing and proposed pervious area.
12. The applicant's engineer shall design a system, structural or natural, to control/ prevent oils, greases, and other vehicle fluids from leaving the site during rain events.
13. The Town of Orangetown DEME believes that the existing sanitary building connection "tie" into the sanitary main that runs along the eastern property line. The proposed inspection manhole shall remain and the existing building connection shall be verified.
14. The metes and bounds, as well as ownership for the existing sanitary main along the eastern property line shall be given on the plans.
15. Soil erosion and sediment control plans and details shall be added to the drawings.
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 New York State Department of Transportation and all required permits obtained.
 - A lighting plan shall be provided that shows fields of illumination. Lighting shall not shine beyond the property line or into the State highway right of way.
 - 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.

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Continuation of Condition #16...

- All proposed signage shall be indicated on the Site Plan and shall conform to the Municipality's sign standards.
- The Rockland County Department of Planning requests the opportunity to review any variances which may be necessary to implement the proposed site plan.

17. The Rockland County Highway Department reviewed the site plans and information submitted and found that the proposed new additions should not have adverse impact on Greenbush Road. The proposed addition is within 500 feet from the closest count Road. A Rockland County Highway Department Work Permit will be required for the proposed development.

18. 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.

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

20. The Rockland County Sewer District #1 does not object to the plan as shown. This project does not affect any sanitary sewers within the District and request no future correspondence for this site.

21. The Town of Orangetown Bureau of Fire Prevention reviewed the plan and offered the following comments. These comments shall be placed on the Site Plan as NOTES:

- Install an NFPA 72 compliant Fire Alarm System, with drawings, calculations and cut sheets for devices before installation begins. Connected to Rockland 44-Control, with exterior Amber Strobe, as per Town of Orangetown Code.
- Install an approved Spray Paint Booth with Fire Suppression connected to the Fire Alarm panel.
- Install Emergency lighting and exit lights as per NEC.
- Install Portable Fire Extinguishers as per NFPA 10.
- Install Bollards to protect the exterior gas meter.
- There shall never be sleeping in this building for any reason, as this may result in legal action from the Bureau of Fire Prevention, Town of Orangetown.

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22. The Town of Orangetown Highway Department reviewed the plan and offered the following comment:

- Based on an in the field review of the property, the driveway entrance and exist onto East Erie Street Blauvelt, shall not exceed 24' in width.

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

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

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

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

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.

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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.

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 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

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

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34. 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.

Override

The Board made a motion to override Condition #5 of the March 10, 2016 letter from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, for the following reasons:

#5. Additional landscaping could be planted in the area that is shown to be "proposed striping on exist macadam". In addition, the areas along New York State Route 303 between the sidewalk and the area illustrated with the "+" symbol could be enhanced with landscaping to better define and separate the driveway area from the sidewalk and street. This additional landscaping would help to reduce the impervious surface and provide a more aesthetically pleasing site.

The use on this site is a pre-existing condition. In addition, the site does not dictate the allowance of more vegetation at this time.

A motion to override the condition was made and moved by Thomas Warren and seconded by William Young and carried as follows:
Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, absent;
Michael Mandel aye; William Young, aye; Stephen Sweeney, aye; Robert Dell, aye and Thomas Warren, aye.

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, aye; Stephen Sweeney, aye; Robert Dell, aye and Thomas Warren, aye.

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

Dated: March 23, 2016


**Cheryl Coopersmith, Chief Clerk Boards and Commissions
Town of Orangetown Planning Board
attachment**

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**NEGATIVE DECLARATION
Notice of Determination of Non-Significance**

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

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

NAME OF ACTION: George's Auto Body Site Plan: Preliminary Site Plan Approval Subject to Conditions

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

DESCRIPTION OF ACTION: Site Plan Review

LOCATION: The site is located at 579 Route 303, Blauvelt, in the Route 303 Overlay Zone, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 70.15, Block 1, Lot 47 in the CC 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

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PB#16-12: Pfizer, Inc. Site Plan – Building Addition #222: Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec.

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TO: Donn McMullen, Pfizer, 401 North Middletown Road, Pearl River, New York 10965
FROM: Orangetown Planning Board

RE: Pfizer, Inc. Site Plan: The application of Donn McMullen, applicant for Pfizer, Inc. owner, for Prepreliminary/ Preliminary Site Plan Review” for an addition to Building 222 at a site known as “**Pfizer, Inc. Site Plan**”, in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21A of the Code of the Town of Orangetown and to determine the environmental significance of the application pursuant to the requirements of the New York State Environmental Quality Review Act. The site is located at 401 North Middletown Road, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 68.08, Block 1, Lot 5 in the LI zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, March 23, 2016**, the Board made the following determinations:

Donn McMullen, Anthony Bispo, Robert Lerch and Steven Green appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated March 15, 2016.
2. An Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated March 23, 2016.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated March 18, 2016.
4. A letter from Brooker Engineering, signed by Kenneth DeGennario, dated March 23, 2016.
5. A letter from the Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated March 21, 2016.
6. A letter from the Rockland County Department of Highways, signed by Sonny Lin, P.E., dated March 23, 2016.
7. Letters from the Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated February 25 & 26, 2016.
8. A letter from the Rockland County Drainage Agency, signed by Vincent Altieri, Executive Director, dated March 15, 2016.
9. A letter from the Rockland County Sewer District No.1, signed by Joseph LaFindra, Engineer I, dated March 4, 2016.
10. A letter from the Town of Orangetown Zoning Board of Appeals, signed by Dan Sullivan, Chairman, dated March 2, 2016.
11. An Interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by Michael Bettmann, Chief Fire Inspector, dated March 1, 2016.

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PB#16-12: Pfizer, Inc. Site Plan – Building Addition #222: Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec.

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12. A Short Environmental Assessment Form.
13. Pfizer Global Research and Development Plans prepared by Edward Gannon, PLS and Joseph Masiello, P.E., Stantec Consulting Services, Inc.:
 - Project Drawing #C-102: Removal Plan dated February 19, 2016
 - Project Drawing #C-103: Site/ Utility Plan dated January 13, 2016, revised February 19, 2016
 - Project Drawing #C-104: Grading Plan dated February 19, 2016
14. Building Permit Referral dated February 19, 2016, signed by Glen Maier, Building Inspector.

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

Public Comment:

Heather Hurley, 202 Hobart Street, Pearl River, requested information on the following topics: types of materials, virus and vaccines to be stored on site, methods of security and controlled access to the site, zoning codes, emissions, waste, Pfizer or another party use of the property, disturbance of trees, completion of part 3 of the EAF, answers to the Bureau of Fire Prevention comments of March 1, 2016.

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

A motion was made to reopen the Public Hearing portion of the meeting 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, aye; Robert Dell, aye; Thomas Warren, aye and Stephen Sweeney, aye.

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, aye; Robert Dell, aye; Thomas Warren, aye and Stephen Sweeney, aye.

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The proposed action is classified as an “unlisted action” as defined by Section 617.2 (ak) of the New York State Environmental Quality Review Regulations (SEQRR). No agency, other than the Orangetown Planning Board will have any significant involvement in the review process, pursuant to Section 617.6 of SEQRA. On motion by 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, aye; 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 Stantec Consulting Services 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 agencies: Town of Orangetown Zoning Board of Appeals, Rockland County Highway Department, Rockland County Sewer District No.1, Rockland County Department of Health, and having reviewed proposed Site Plan by prepared by Edward Gannon, PLS and Joseph Masiello, P.E., Stantec Consulting Services, Inc., a summary of the reasons supporting this determination are, and the Planning Board finds, that the proposed action:

- Will not significantly affect existing air quality or noise levels;
- Will not significantly affect existing surface water quality or quantity or drainage;
- Will not significantly affect existing ground water quality or quantity;
- Will not significantly affect existing traffic levels;
- Will not create a substantial increase in solid waste production;
- Will not create a potential for erosion, flooding, leaching or drainage problems;

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- Will not have a significant adverse impact on the environmental characteristics of our critical environmental area or environmentally sensitive sites or features;
- Will not have an impairment of the character or quality of important historical, archeological or architectural resources;
- Will not have an impairment of the character or quality of important aesthetic resources;
- Will not have an impairment of existing community or neighborhood character;
- Will not remove or destroy large quantities of vegetation or fauna;
- Will not remove or destroy large quantities of wildlife species or migratory fish;
- Will not have a significant adverse impact to natural resources;
- Is consistent with the Town of Orangetown's Comprehensive/Master Plan;
- Will not have adverse economic or social impacts upon the Town;
- Will not create a hazard to human health; and
- Will not create a substantial change in the use of land, open space or recreational resources.

On motion by Thomas Warren and seconded by William Young and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, absent; Michael Mandel, aye; William Young, aye; 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 PRELIMINARY SITE PLAN APPROVAL SUBJECT TO THE FOLLOWING CONDITIONS:**

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

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3. A location plan shall be provided to show where buildings 222 and 222A are located on the property. The buildings are located in the LI zone district only.
4. The zone district line shall be shown on the location plan.
5. The Zoning Table shows the total area of development as 203.3 acres; however the property has been subdivided and shall be corrected to 22.9 acres.
6. The maximum floor area allowed is 0.5 and 0.53 is proposed. A Zoning Board of Appeals Variance needs to be sought from the Town of Orangetown Zoning Board of Appeals. (LI, Group QQ, Column 4).
7. The maximum land coverage in an LI zone district is 80%. The Zoning Table shall include the required and proposed values. From the data provided, it appears the new land coverage value is 89.34% which is greater than 80%. A Zoning Board of Appeals variance needs to be sought. (Notes to Use and Bulk Tables, Note 14).
8. The Short Environmental Assessment Form (SEAF), page 2 of 4, questions #5a and #5b shall be answered "yes". Question #9 shall be explained. The SEAF needs to be signed and dated by the applicant.
9. The Drainage calculations that were supplied are insufficient. The applicant's engineer shall prepare drainage calculations in accordance with NYSDLC Stormwater Management Stormwater Management Design Manual. The calculations shall show how zero net increase in runoff shall be achieved. Also, the calculations shall analyze the 2, 10, 25 and 100 year storms including hydrographs and routing through whatever system the engineer designs to handle both water quantity and water quality requirements as laid out in the NYSDEC SMDM.
10. A SWPPP shall be prepared for this Site Plan. The applicant's engineer is reminded that this site has to address not only the "normal" sections of the NYSDEC SMDM, but also the redevelopment sections of the manual.
11. The location of the existing sanitary building connection shall be shown on the drawings, including any new "tie ins".
12. Catch basin protection shall be added to the SESC plans.

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13. The datum for the contours shall be given on the plans. Also, a note shall be added to the Site Plan indicating the source benchmark for the referenced datum, including the BM elevation.

14. Copies of all correspondence, including any and all approvals, with the New York State Department of Environmental Conservation, U.S. Army Corps of Engineers, the Rockland County Drainage Agency, etc., in connection with this proposed site plan, shall be supplied to the Planning Board and DEME, prior to signing the map.

15. Drainage Review Recommendation: The application has demonstrated that the project can provide mitigation of potential significant adverse impacts with respect to increase in stormwater runoff. The proposed pipe system can be modified to achieve the required no net increase in peak runoff rates. Brooker Engineering, the Town of Orangetown Planning Board Drainage Consultant, therefore recommends that the Pfizer, Inc. Site Plan for Building 222 Addition be approved for drainage subject to the following comments.

Project Description: This is the first drainage review report for this project. The project is for a building addition, approximately 4,000 square feet, along the east side of Building 222 at the Pfizer campus. The area where the addition is proposed is currently grass, and stormwater runoff flows southeast to an existing parking lot with an existing storm drainage system.

Project Comments:

1. It appears there is a narrow courtyard between the exiting building and the addition. Additional detail shall be added in this area to demonstrate how stormwater runoff in this area will be drained.
2. The applicant has provided calculations that show the new eight inch pipe can provide flood storage. The calculations shall be performed in include the 2-, 10-, 25-, 50-, and 100-year, 24-hour rainfall dated included in the latest NYSDEC stormwater design manual. A control structure shall be added to demonstrate flood storage and the routing of peak flows under developed conditions to existing conditions levels. A large pipe will be required to achieve this mitigation; however, the Drainage Consultant believes this can be easily accomplished in an updated Site Plan.

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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.
- A review shall be completed by the New York State Department of Transportation and all required permits obtained.
- 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 Highway Department held that based on the plans and information provided, the proposed action shall have no adverse impact on any County Road in the area. The proposed addition is within 500 feet from the closest County Road, a Rockland County Highway Department Work Permit will be required for the proposed development.

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

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.

20. The Rockland County Sewer District #1 does not object to the plan as shown. This project does not affect any sanitary sewers within the District and request no future correspondence for this site.

21. The Town of Orangetown Bureau of Fire Prevention reviewed the plan and offered the following comments. **This information must be provided in order to further comment on the project:**

- Provide detailed drawing of the addition and what specifically its use will be.
- Plans show temporary shut down and relocation of 12 inch fire main. Please explain what does this main supply, Hydrant, sprinkler System?

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22. 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 Highway Department

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

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

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

- a. No construction equipment shall be parked under the tree canopy.
 - b. There will be no excavation or stockpiling of earth underneath the trees.
 - c. Trees designated to be preserved shall be marked conspicuously on all sides at a 5 to 10 foot height.
 - d. The Tree Protection Zone for trees designated to be preserved will be established by one of the following methods:
 - One (1) foot radius from trunk per inch DBH
 - Drip line of the Tree Canopy. The method chosen should be based on providing the maximum protection zone possible. A barrier of snow fence or equal is to be placed and maintained one yard beyond the established tree protection zone. If it is agreed that the tree protection zone of a selected tree must be violated, one of the following methods must be employed to mitigate the impact:
 - Light to Heavy Impacts – Minimum of eight inches of wood chips installed in the area to be protected. Chips shall be removed upon completion of work.
 - Light Impacts Only – Installation of ¾ inch of plywood or boards, or equal over the area to be protected.
- The builder or its agent may not change grade within the tree protection zone of a preserved tree unless such grade change has received final approval from the Planning Board. If the grade level is to be changed more than six (6) inches, trees designated to be preserved shall be welled and/or preserved in a raised bed, with the tree well a radius of three (3) feet larger than the tree canopy.

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

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

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

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

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

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

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


33. 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.

34. 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; Michael Mandel aye; William Young, aye; Stephen Sweeney, aye; Robert Dell, aye and Thomas Warren, aye.

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

Dated: March 23, 2016


Cheryl Coopersmith, Chief Clerk Boards and Commissions
Town of Orangetown Planning Board
attachment

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**NEGATIVE DECLARATION
Notice of Determination of Non-Significance**

PB#16-12: Pfizer, Inc. Site Plan – Building Addition #222: Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec.

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

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

**NAME OF ACTION: Pfizer, Inc. Site Plan – Building Addition #222:
Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec.**

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

DESCRIPTION OF ACTION: Site Plan Review

LOCATION: The site is located at 401 North Middletown Road, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 68.08, Block 1, Lot 5 in the LI 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

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PB #16-13: Celtic Sheet Metal Site Plan – Final Site Plan Approval Subject to Conditions and Conditional Use Permit Granted

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**TO: Steven Grogg, McLaren Engineering, 100 Snake Hill Road,
West Nyack, New York
FROM: Orangetown Planning Board**

RE: Celtic Sheet Metal Site Plan: The application of Celtic Sheet Metal, applicant, for Olympus of Americas, owner, (Donald Brenner, attorney for the applicant) for Final Site Plan Review and a Conditional Use Permit for an addition to an existing building at a site to be known as “Celtic Sheet Metal 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 1 Corporate Drive, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 73.20, Block 1, Lot 32 in the LIO zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held Wednesday, March 23, 2016 the Board made the following determinations:

Steven Grogg and Donald Brenner appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated March 16, 2016.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated March 23, 2016.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated March 21, 2016.
4. A letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated March 22, 2016.
5. A letter from the Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated March 16, 2016.
6. A letter from the Rockland County Department of Highways, signed by Sonny Lin, P.E., dated March 16, 2016.
7. A letter from the Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated February 25, 2016.

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8. Stormwater Pollution Prevention Plan prepared by McLaren Engineering Group, dated April 2015, revised February 2016.
9. A letter from McLaren Engineering signed by Steven L. Grogg, P.E., Vice President, Site/Civil Division, dated February 16, 2016.
10. Copies of the following Board Decisions; ACABOR #16-13, Approved Subject to Conditions, dated February 18, 2016; ZBA #15-71, Side Yard, Rear Yard, Building Height, Section 6.4 Number of Loading Berths and Section 3.11 LIO District refers to LO District Column 7 #2 Outdoor Loading Berths, Variances Approved, dated September 2, 2015 and PB #15-27, Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec, dated May 27, 2015.
11. Site Plans prepared by McLaren Engineering Group dated March 17, 2015:
 - C-001: Cover Sheet, revised February 10, 2016
 - C-100: Overall Site Plan, revised February 10, 2016
 - C-101: Site Layout Plan, revised February 10, 2016
 - C-201: Site Grading Plan, revised February 10, 2016
 - C-301: Site Utility Plan, revised February 10, 2016
 - C-351: Site Lighting Plan, dated March 17, 2015
 - C-352: Site Planting Plan, dated March 17, 2015
 - C-353: Site Planting Plan Notes and Details, dated March 17, 2015
 - C-401: Soil Erosion and Sediment Control Plan, revised February 10, 2016
 - C-501: Soil Erosion and Sediment Control Details
 - C-502: Details (Sheet 1 of 4), revised February 10, 2016
 - C-503: Details (Sheet 2 of 4)
 - C-504: Details (Sheet 3 of 4)
 - C-505: Details (Sheet 4 of 4)
 - C-801: Turning Radius and Sight Distance Details
12. Architectural Plans prepared by Victor Caruso, RA, dated November 3, 2015:
 - A-1: Foundation Plan
 - A-2: Floor Plan
 - A-3: Elevation Sections
 - A-4: Internal Elevations
 - A-5: General Notes
 - A-6: General Notes

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

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

CONDITIONAL USE PERMIT

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

- The proposed use, size and character is in harmony with the development in the district in which it is proposed to be situated and will not be detrimental to the zoning classification of such properties.
- The proposed location and size of the use, nature and intensity of operations involved, and the site layout in relation to access streets will not be hazardous to pedestrian or vehicular traffic.
- The proposed location of the use will not hinder or discourage development or use of adjacent land and buildings.
- The proposed use will not require additional public services or create fiscal burdens upon the Town of Orangetown greater than those which characterize uses permitted by right.

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

SITE PLAN REVIEW

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".

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2. Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.

3. The applicant shall comply with all pertinent and applicable conditions of all Board Decisions; ACABOR #16-13, Approved Subject to Conditions, dated February 18, 2016; ZBA #15-71, Side Yard, Rear Yard, Building Height, Section 6.4 Number of Loading Berths and Section 3.11 LIO District refers to LO District Column 7 #2 Outdoor Loading Berths, Variances Approved, dated September 2, 2015 and PB #15-27, Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec, dated May 27, 2015.

4. Prior to the issuance of a Building Permit for the fit out of the building, the applicant shall appear at the Town of Orangetown Zoning Board of Appeals for Performance Standards review regarding the business operation. A Shell Only Building Permit can be issued prior to appearing before the Zoning Board of Appeals for Performance Standards review.

5. The Rainfall data in revised SWPPP is STILL incorrect. The rainfall data that must be used for BOTH existing and proposed conditions HAS to be the rainfall data provided in the 2015 NYSDEC Stormwater Management Design Manual – existing conditions cannot be calculated using the rainfall intensities from Paul Petretti's drainage report from 2001. As an example, the rainfall intensity for the 100 year storm for this area is approximately 9.4 inches – is to be used for both pre and post analysis. (The applicant still needs to comply with condition #12 of PB#15-27: "The Storm Water pollution Prevention Plan is under review by DEME. However, it appears that some of the rainfall intensity values are a little low. For example, in the new/ updated NYSDEC Stormwater Management Design Manual, the rainfall intensity for the 100 yr. storm for this area is approx. 9.4. A formal review will be mailed to the applicant's engineer under a separate cover.")

6. Drainage maps and stormwater facilities/ contech systems/ CDS systems details need to be provided in SWPPP. (The applicant still needs to comply with condition #13 of PB#15-27: "Drainage maps and proposed stormwater facilities details shall be added to the SWPPP.")

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7. Post construction stormwater maintenance agreement required – for both existing and proposed stormwater system – existing detention basin/ existing underground system/ batch basins/ piping/ proposed underground system/ CDC system. (The applicant still needs to comply with condition #15 of PB#15-27: "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.")

8. Sanitary Sewer use for new addition with sanitary calculations: (The applicant still needs to comply with condition #16 of PB#15-27:"The applicant engineer shall submit information on the proposed sanitary use for this project.")

9. SESC measures shall be shown around ALL proposed work – i.e. new parking areas along eastern property. (The applicant still needs to comply with condition #17 of PB#15-27:" The soil erosion and sediment control plans and details are under review by DEME. However, erosion control measures appear to be missing in spots along the southern property lines, this shall be corrected.")

10. The datum for the contours shall be given on the plans.

11. The plans as well as the SWPPP shall clearly indicate which stormwater basin outlet structure shall be added to the drawings and included in the SWPPP.

12. The proposed modifications to the existing "above ground" stormwater basin outlet structure shall be added to the drawings and included in the SWPPP.

13. Drainage facilities shall be added to the proposed driveway parking areas to the west and south of the site. The ONE proposed new basin is not enough to handle the additional sheet flow.

14. A note shall be added to the Site Plan indicating the source benchmark for the referenced datum, including the BM elevation.

15. A Site Plan detail shall be added of the bollards to be located around the propane tank.

16. Drainage Review Recommendation: The application has provided sufficient information to demonstrate that the existing stormwater management basin can be modified against increase to peak stormwater runoff rates as a result of the project. Brooker Engineering, therefore recommends that the Celtic Site Plan be approved for drainage subject to the following comments.

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Continuation of Condition #16....

This is the second drainage review report for this project; the last review was dated May 21, 2015. The project consists of the expansion of the site at One Corporate Drive. A 55,692 square feet building addition (approximately 233' x 239') is proposed along the south side of the existing building. A loop road is proposed along the south and west side of the new building to connect the existing parking areas. The area is currently contains mostly grass cover, with some pavement just south of the building and wooded area along the southern property line.

Stormwater runoff flows to the east towards the existing detention pond along Blaisdell Road and north towards Corporate Drive. The drainage report includes these two points of interest in the calculations for potential impacts. The drainage calculations also conservatively utilize the 24-hour rainfall totals in place at the time of the original approval for existing conditions and current 24-hour rainfall totals in place today for proposed conditions. This is a conservative approach in that the existing conditions peak flow rates are lower than what would be calculated by today's standards, and the routing calculations demonstrate the facility can mitigate to the lower standard.

Project Comments

The Drainage Consultant had the following drainage comments for the Planning Board:

1. As per the May 21, 2015 drainage review report, verify the delineation of the east subarea used in the drainage report. The portion of the access road to Blaisdell Road that is lower in elevation than the existing catch basin with a top of catch basin curb piece elevation of 86.03 bypasses the detention basin and shall not be included in the subarea that gets routed through the basin.
2. As per the May 21, 2015 drainage report, verify if off-site runoff from the west flows east onto the site and enters the detention system; if so, the drainage calculations shall be updated to reflect this.
3. Provide details for the two outlets structures and show the proposed modifications.
4. Modifications to the north area have been eliminated for this revision; no detention is proposed in this area. The "North Underground Detention" Detail on Drawing C-504 shall be removed from the Site Plan.

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

- An updated review must be completed by the Rockland County Highway Department and all required permits obtained. In addition, the comments in the May 27, 2015 letter from them must be met.

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Continuation of Condition #17....

- The comments in the February 25, 2016 letter from the Rockland County Health Department shall be met.
- The Borough of Old Tappan, New Jersey must be given the opportunity to review the proposed site plan, and provide their comments or concerns. Any raised concerns must be addressed.
- The fire department connections shall be designated on the site plan and kept clear for easy access by emergency response vehicles.
- The site plan legend shows a symbol for porous pavement. It is not clear where these porous pavement parking spaces are located. These areas should be highlighted with the symbol and labeled, or the symbol removed from the legend.
- A new propane tank is illustrated on the site plan. We recommend that bollards be located around the tank to protect the tank from being hit, especially since it is directly adjacent to one of the loading docks.
- Elsewhere on the site plan, one of the parking areas has this label as porous pavement. Are all of the parking spaces that have this shading a light duty pavement that is porous or only the three parking spaced located in the northwest corner of the site, and the new spaced by the main entrance? This must be clarified.
- It shall be demonstrated that there is adequate turning radii and maneuverability on site for fire apparatus.
- 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.
- A stormwater pollution prevention plan (SWPPP) was not provided. The SWPPP, if required shall conform to the current regulations, including the New York state Stormwater Management and Design Manual (January 2015) and local ordinance.

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

- The available sight distance along both sides of Blaisdell Road at the access shall be shown on the drawings.
- Drainage calculations shall be prepared to show zero net increase in the peak rate of discharge for storm sewer toward Blaisdell Road and show how the runoffs are conveyed to the existing underground detention basins and outlet structures.
- A copy of SWPPP shall be provided for review.
- A Rockland County Highway Work Permit will be required for the proposed development prior to the start of any construction on site.
- Separate additional Rockland County Highway Department Road Opening Permits will be required for any sewer, utility or drainage improvements that may be necessary which require disruption to the paved roadway surface within Blaisdell Road.

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

- Application is to be made to the Rockland County Department of Health for the extension of the private sanitary sewer main.
- Application is to be made to the RCDOH for review of the storm water management system for compliance with the County Mosquito Code.

20. The Town of Orangetown Fire Prevention Bureau had the following comments in regard to the addition of 55,000+ Building:

- Engineer and extend the existing Fire Sprinkler NFPA compliant Fire Sprinkler system. Maintain according to NFPA 25.
- The proposed Fire Sprinkler system addition must be designed to protect the hazard. The Fire Sprinkler system must be submitted to the Bureau for approval before work commences.
- Extend the existing Fire Alarm system. The proposed Fire Alarm plans shall be submitted to the Bureau for approval prior to the commencement of work.
- Install and maintain Portable Fire Extinguishers as per NFPA 10.
- Install and maintain Emergency lighting as per NEC.
- Apply for and maintain Certificate of Compliance Fire Safety with the Bureau of Fire Prevention.
- Show Fire Zones/ Fire Lanes and show all Fire Apparatus access on Final Approved Site Plan. Show required signage and maintain all signs.

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

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

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.

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.

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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.

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Override

The Board made a motion to override Condition #8 of the March 16, 2016 letter from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, for the following reasons:

- #8. A map not for the bulk table indicates that variances were obtained for side yard, rear yard, maximum height and the number of loading berths from the Town of Orangetown Zoning Board of Appeals on September 2, 2015. In our last review dated May 15, 2015, one of our conditions which was incorporated into the decision of the Planning Board, as noted in the minutes was that we requested the opportunity to review any variances which may be necessary to implement the proposed Site Plan. We are also in receipt of the minutes from the Zoning Board of Appeals hearing held on September 2, 2015. However, to date no General Municipal Law referral was sent to this department or to any other agencies that may want to comment on the needed variances. We again request the opportunity to review all required variances needed to order to implement the proposed site plan. The variance application must be sent to the Rockland County Highway Department and to the Borough of Old Tappan, NJ.

The Board held that interested parties had the opportunity to review and comment on the Site Plan at the Preliminary Site Plan review circulation.

A motion to override the condition was made and moved by Thomas Warren and seconded by William Young and carried as follows:
Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, absent;
Michael Mandel aye; William Young, aye; Stephen Sweeney, aye; Robert Dell, aye and Thomas Warren, aye.

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, aye; Robert Dell, aye; Michael Mandel, aye; Stephen Sweeney, aye and Thomas Warren, aye.

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

Dated: March 23, 2016
Cheryl Coopersmith, Chief Clerk Boards and Commissions
Town of Orangetown Planning Board

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

RE: Brightview Senior Living Lake Tappan Site Plan: The application of Shelter Development LLC, applicant for Hegarty Homes, owner, (Donald Brenner, attorney for the owner), for Final Site Plan Review, at a site to be known as "**Brightview Senior Living Lake Tappan 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 31 Hunt Road, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 73.15, Block 1, Lot 10; in the R-80 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, March 23, 2016**, the Board made the following determinations:

Donald Brenner, Diego Villareale and Christine Castaldo appeared and testified. The Board received the following communications:

1. Project Review Committee Report dated March 16, 2016.
2. An Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated March 23, 2016.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated March 18, 2016.
4. A letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated March 22, 2016.
5. A letter from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner, dated March 23, 2016.
6. A letter from the Rockland County Department of Highways, signed by Sonny Lin, P.E., dated March 23, 2016.
7. A letter from the Rockland County Drainage Agency, signed by Vincent Altieri, Executive Director, dated March 14, 2016.
8. A letter from the Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated February 26, 2016.
9. A letter from the New York State Department of Environmental Conservation, Region 3, signed by Jean McAvoy, Division of Environmental Permits, dated October 19, 2015.

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10. An Interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by Michael Bettmann, Chief Fire Inspector, dated March 14, 2015.

11. Copies of the following Board Decisions: ACABOR #16-03, Approved Subject to Conditions, dated January 7, 2016, ZBA #15-90, dated November 18, 2015: Special Permit for Front Yard, Rear Yard Parking Spaces, Floor Area Ratio, Sign Size and Location, Approved; and PB #15-40, Preliminary Site Plan Approval Subject to Conditions, Neg. Dec., dated September 9, 2015.

12. Site Plans prepared by JMC Site Development Consultants dated June 8, 2015, revised February 18, 2016:

- SP-1: Cover Sheet
- SP-2: Site Existing Conditions Plan
- SP-3: Off Site Conditions Plan
- SP-4: Site Demolition Plan
- SP-5: Off-Site Demolition Plan
- SP-6: Site Layout Plan
- SP-7: Off-Site Layout Plan
- SP-8: Site Grading Plan
- SP-9: Off-Site Grading Plan
- SP-10: Site Utilities Plan
- SP-11: Off-Site Utilities Plan
- SP-12: Site Erosion and Sediment Control Plan
- SP-13: Off-Site Erosion and Sediment Control Plan
- SP-14: Site Landscaping Plan
- SP-15: Site Landscaping Plan
- SP-16: Site Lighting Plan
- SP-17: Sanitary Sewer and Water Main Profile
- SP-18: Storm Sewer Profiles
- SP-19: Road Profiles
- SP-20: Construction Details
- SP-21: Construction Details
- SP-22: Construction Details
- SP-23: Construction Details
- SP-24: Construction Details
- SP-25: Construction Details
- SP-26: Construction Details
- SP-27: Fire Access Plan

13. Architectural Drawings, unsigned/ unstamped, dated as noted, prepared by JSA Architects:

Sheet 1: First Floor Plan

Sheet 2: Second Floor Plan

Sheet 3: Third Floor Plan

Sheet 4: Proposed North Exterior Elevations, dated February 18, 2016

Sheet 5: Proposed South Exterior Elevations, dated February 18, 2016

Sheet 6: Proposed East & West Exterior Elevations, dated

February 18, 2016

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14. A Stormwater Pollution Prevention Plan, prepared by JMC, dated June 8, 2015, last revised February 18, 2016.

15. A copy of the Building Permit Referral dated May 8, 2015, signed by Rick Oliver, Building Inspector.

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

Public Comment:

Dennis Scherer, 599 Orangeburg Road, Pearl River, and a member of the American Legion, stated that he supported the development.

A motion was made to close the Public Hearing portion of the meeting by Michael Mandel and seconded by William Young and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice-Chairman, absent; Michael Mandel, aye; William Young, aye; Robert Dell, aye; Thomas Warren, abstain and Stephen Sweeney, 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 pertinent and applicable conditions of all previous Board Decisions: ACABOR #16-03, Approved Subject to Conditions, dated January 7, 2016, ZBA #15-90, dated November 18, 2015: Special Permit for Front Yard, Rear Yard Parking Spaces, Floor Area Ratio, Sign Size and Location, Approved; and PB #15-40, Preliminary Site Plan Approval Subject to Conditions, Neg. Dec., dated September 9, 2015.
4. A Cross Section profile of the berm located in the extreme eastern portion the property shall be added to the plans.
5. Sanitary calculations for the proposed site, prepared and sealed by a New York State Licensed Professional Engineers, shall be submitted to DEME for review and approval.

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6. The supplied SWPPP and related drainage calculations are currently review by DEME. A review of same will be sent to the applicant's engineer under separate cover. However, the total area of disturbance shall be listed in the SWPPP and on the drawings. Also, the stormwater design shall up the 24 hour rainfall amounts listed in the NYS Stormwater Management Design Manual (for example 100yr 24hr = 9.2 – 9.4 inches not 8.91). List TOTAL area of disturbance on drawings and in SWPPP.

7. The designed infiltration systems appear to have no overflow exhaust piping. The drawing will be modified to show overflow piping for the proposed infiltration systems. If overflow piping is not being implemented for this design, the applicant's engineer shall explain in the SWPPP and show by calculation what is to happen if the system(s) are to overflow (where will the overflow go, what will be the rate and volume of any overflows, etc.)

8. There are no drainage facilities shown along the proposed main entrance to the site from Hunt Road. Drainage facilities must be added along the main entrance as well as at the intersection with Hunt Road. The runoff this system collects must be collected and treated and be accounted for in the SWPPP.

9. If the proposed sanitary sewer main is to be given to the Town of Orangetown for maintenance purposes, a 20 foot wide easement over the main, as well as an access easement, shall be depicted on the drawings. The applicant shall show legal to DEME, the Town Attorney's Office and the Planning Board, to obtain access/maintenance of the easements in all of the private properties that the main will be located on and the ability to transfer to the Town of Orangetown. Said easement(s) hall be submitted to DEME and the Town Attorney's Office for review and approval.

10. 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.

11. The sentence in Note #2 on the Manhole A & B details, drawing PSP 9, which reads "The covers shall have vent holes", shall be removed. Also, the references to a manhole cover in these details shall be revised to state that the manhole cover shall be a Campbell Foundry Type 1012 B or equal (not an 1107B.) The Manhole frame cover with cover details, including Town name and date, shall be included on the drawings.

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12. The applicant is advised that the Town of Orangetown has a new F.O.G. (Fat, Oil and Grease) program, which must be complied. The applicant shall contact the Town's F.O.G. Coordinator to determine how this criteria will be applicable for this application.

13. The applicant is advised that because the facility is to have a functioning/ commercial kitchen to serve the residents, an appropriately sized grease trap will be required.

14. The proposed retaining walls along the main entrance road – drawing PSP #3, indicate retaining walls and fencing by others. The design of these walls and safety fencing needs to be a part of this application. The applicant shall supply said information for review and approval.

15. All existing easements and dedications shall be shown on the plan, including page and liber or instrument number and ownership.

16. Copies of all correspondence, including any and all approvals, with the New York State Department of Environmental Conservation, U.S. Army Corps of Engineers, the Rockland County Drainage Agency, etc., in connection with this proposed site plan, shall be supplied to the Planning Board and DEME, prior to signing the map.

17. The revised SWPPP and related drainage calculations are currently under review by DEME. A review of same will be sent to the applicant's engineer under separate cover.

18. The total area of disturbance shall include the utility connections for the existing homes along the private driveway to the ball fields, as shown on drawing SP-10. Also, the area shown encompassing the total area of disturbance, drawing SP-4 and SP-5, shall encompass these proposed utility connections as well.

19. The proposed sanitary sewer main to be easemented to the Town shall be realigned to eliminate the large amount of changes indirection and the number of manholes. Also, the applicants shall provide access easements over the proposed main AND over the road to the ball field so the Town can physically get to the mains. This access easement shall be reflected on the drawings.

20. Contrary to statements made at the PRC meeting, drawing SP-C appears to show road improvements along the access road to the American Legion property (i.e. new pavement being placed along the north side of the road/ entrance off of Hunt Road being widened/ the saw cutting and connection to the proposed eastern road/ parking area for Brightview.) As stated in PB #15-40, condition #27, any work improvements along this road need to be included in the drainage calculations, SWPPP, the area of disturbance, and the limit of disturbance boundary.

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21. The SWPPP shall indicate the total amount of cut and fill contemplated for this site plan and a drawing showing the cut and fill areas shall be added to the plans.

22. The Post Construction Stormwater Maintenance Agreements shall include checklists for the underground detention systems, catch basins and piping.

23. On drawing SP-8, there appears to be some discrepancy between the existing and proposed contours in the area of SMH #7/ American Legion parking area) i.e. existing grading of 87.0 and proposed grading of 86, yet no indication of how contour/ elevation 87 will be "completed" tied in.)

24. Drawing SP-19 has profiles for three driveways. These driveways shall be labeled and stationed of the plan views.

25. The "end" of the proposed sanitary sewer easement, near proposed sanitary manhole #8 shall be more clearly defined on all the drawings. Also, the metes and bounds for the proposed easement shall be given on the plans.

26. The proposed contouring and swale, along the main entrance road shall be shown on the landscape plan, drawing SP-15.

27. A large scale drawing of the Exploration Location Plan, found in the SWPPP shall be added to the plans.

28. On the SESC plan, show and describe in more detail, the stabilization measures that will be taken to maintain the proposed slope during and after construction.

29. Iron pins shall be drawn and labeled at each property corner.

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

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Continuation of Condition #30...

This is the second drainage review report to the Planning Board for this project; the last report was dated September 8, 2015. The project is for two separate applications; one for the American Legion parking improvements and one for the Brightview Senior Housing project. With respect to drainage, the two applications are potentially distinct in terms of constructability; however, since the drainage report and site plans were prepared in a combined manner the Drainage Consultant has prepared its drainage review response in a combined manner.

The Brightview development is located on a ridge southwest of the intersection of Hunt Road and Orangeburg Road and the majority of stormwater runoff from the site flows northwest toward Lake Tappan. There is a large well-draining natural depression along the ridge that, when combined with the dense woods and ground cover, results in nominal surface runoff from the site under existing conditions. The drainage report models this low surface runoff under existing conditions in a suitable manner which results in a conservative drainage design.

Five different drainage design points of interest are analyzed with respect to potential impacts for drainage. Three of these design points utilize stormwater infiltration to provide no surface water runoff under proposed conditions. An overall net decrease in peak flow rates from the property are demonstrated by the stormwater management report.

Project Comments

1. While the overall site shows a reduction in peak runoff rates, Design Points 1 (located near the intersection of Hunt Road and Orangeburg Road) shows a modest increase in peak runoff rates. The drainage report shall demonstrate that the swale along the south side of Orangeburg Road from Design Point 1 to Lake Tappan has the capacity to convey this increase in runoff to Lake Tappan. It is noted that at Lake Tappan, the entire site produces no net increase in peak runoff rates.
2. The First Floor Elevation of the building has been changed to elevation 88.67. There are a few locations along the north side and northeast corner of the building where there the slope near the building is very flat or pitched toward the building; this shall be revised.
3. As per the September 8, 2015 report, additional detail is needed for the access road to Hunt Road. The design calls for a cross slope to the north to direct runoff to a grassy swale north of the new road. A section shall be provided through this area, including the cross slope and grassy swale dimensions. The intent and function of this swale needs to be shown more clearly on the plan to ensure proper construction and avoid runoff from the road bypassing the swale and entering Hunt Road.

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

1. The comments in the March 23, 2016 letter from the County of Rockland Department of Highway must be met. All required permits must be obtained. In addition, the comments in the October 21, 2015 letter must be met.
2. A review shall be done by the Rockland County Department of Public Transportation to determine that there is sufficient maneuverability on site for them to pick-up or discharge residents who might want to use the service. In addition, a minimum height of 11 feet must be provided under the portico to ensure that there is sufficient height for the TRIPS buses to serve the facility.
3. The comments in the February 28, 2016 letters from the Rockland County Department of Health must be met.
4. 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 of these improvements 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.
5. 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.
6. The fire zones must be clearly marked on the Site Plan. Access to the fire zones shall be unimpeded by other parking areas and maneuverability on the site feasible.
7. A review must be completed by the local fire department and the County of Rockland Office of Fire and Emergency Services to ensure that there is sufficient maneuverability on-site for emergency vehicles.

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8. As required in Section 6.52, any part of any off-street parking area with five or more spaces and any loading berth located in or within 50 feet of any R district or R district use shall have a screen between the same and all lots within such R district, including those, if any, located across a residential street. The Planning Board must determine if the proposed landscaping is sufficient to provide this screening.
9. Since a portion of the parking area serving the proposed senior living facility is located on Tax parcel 73.15-1-2, a cross access and parking easement area must be provided.
10. A separate site plan must be provided for the proposed parking lot extension for tax parcel 73.15-1-2.
11. 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.
12. There shall be no net increase in the peak rate of discharge from the site at all design points.

32. Rockland County Department of Highways reviewed the plans and information provided and offered the following remarks for consideration:

1. The proposed monument sign is located at the Southwest corner of Orangeburg Road (aka Veterans Memorial Drive) and Hunt Road intersection. Orangeburg Road is a county road. It is recommended the proposed monument sign to be located on the inside face of the easement line or designated street line. Sight line shall not be obstructed. Furthermore, the sign shown with two (2) pillars shall be a breakaway type with a sign support post, an anchor post and a breakaway component conforming with MUTCED and AASHTO requirements.
2. A Rockland County Work Permit will be required prior to any proposed construction on site.

33. 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.

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34. Rockland County Department of Health (RCDOH) reviewed the plans and offered the following comments:

- Approval by RCDOH will be needed for the sanitary sewer system. Downstream sewer capacity analysis is to be included in the submission.
- Application is to be made to the RCDOH for a water main extension. This Application is to be made through United Water New York.
- Application is to be made to RCDOH for review of the Storm Water Management System for compliance with the County Mosquito Code.

35. The Town of Orangetown Fire Prevention Bureau (Bureau) had the following comments:

- All roadways, bridges, etc. must be capable of supporting at least 75,000 lbs.
- All roadways must accommodate a turning radius for a fire department aerial ladder with a wheel base of 261 inches minimum.
- The long driveway which appears to be in excess of 1350 feet must have a Turnaround that is approved by the Bureau for emergency vehicles.
- All roadways with fire hydrants must have a minimum width of 26 feet; to accommodate aerial apparatus.
- All areas other than the designated marked parking spaces on the Site Plan, dated June 8, 2014, will be designed as Fire Lanes and must be Signed and Striped, as required by the Bureau.
- Private Fire Hydrants are requested in the area of the Main Entrance, Northeast corner of the building and by the entrance to the rear service area. Exact locations to be determined.
- Clarify the type of construction to be proposed for the 3 story structure.
- Clarify the location of the Sprinkler Riser and Fire Department Connection.
- Fire Department aerial ladder access must be provided as follows: Front entrance driveway and along the entire east side of the building. At least one of the required access routes meeting these criteria shall be located within a minimum of 15 feet and a maximum of 30 feet from the building. All access roads must be 26 feet wide.
- No road shall exceed a 10% grade.
- Any dead ends in excess of 151 feet must be provided with a turnaround approved by the Bureau.
- Roadway gates shall be approved by the Bureau of Fire Prevention.
- Asphalt or maintained grass crete shall be provided in the rear of the building at a minimum width of 26 feet for emergency access only
- Prior to Final Site Plan Approval, an engineered drawing showing all of the above conditions shall be noted on 1 sheet and provided to the Bureau for review and approval.

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36. The New York State Department of Environmental Conservation (DEC) reviewed the plans and offered the following:

- There are no water bodies that appear on the DEC's maps at the project site identified. Therefore, if there is a stream or pond outlet present at the site with year-round flow, it assumes the classification of the watercourse into which it flows, Lake Tappan, Class A, and a Protection of Waters permit is required. If there is a stream or pond outlet present at the site that runs intermittently (seasonally), it is not protected, and a Protection of Water permit is not required.
- DEC has reviewed the State's Natural Heritage records and determined that the site is located within or near records of the following state-listed species: Bald eagle, *Haliaeetus leucocephalus* (threatened). An Article 11, Title 5 Section 535 of Environmental Conservation Law Incidental "Take" Permit may be required, please contact Lisa Masi of Wildlife at 845-256-2257.
- The statewide inventory of archaeological resources maintained by the New York State Museum and the New York State Office of Parks, Recreation, and Historic Preservation were reviewed. These records indicate that the project is located within an area considered to be sensitive with regard to archaeological resources.
- Other permits may be required for the project now or in the future. Applicant should contact NYSDEC.

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

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

39. 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.

40. 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:

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- 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.

41. 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.

42. 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.

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

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44. 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).

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

46. 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

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

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

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: March 23, 2016


Cheryl Coopersmith, Chief Clerk Boards and Commissions
Town of Orangetown Planning Board

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

RE: American Legion Parking Site Plan – Ancillary Parking Facilities (Shelter Development LLC - Brightview Senior Living Tappan Site Plan): The application of Shelter Development LLC, applicant for American Legion Post #1199, owner, (Donald Brenner, attorney for the owner), for Final Site Plan Review, at a site to be known as “**American Legion Parking 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 61 Hunt Road, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 73.15, Block 1, Lot 2; in the R-80 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, March 23, 2016**, the Board made the following determinations:

Donald Brenner, Diego Villareale and Christine Castaldo appeared and testified. The Board received the following communications:

1. Project Review Committee Report dated March 16, 2016.
2. An Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated March 23, 2016.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated March 18, 2016.
4. A letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated March 22, 2016.
5. A letter from the Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated February 26, 2016.
6. A letter from the New York State Department of Environmental Conservation, Region 3, signed by Jean McAvoy, Division of Environmental Permits, dated October 19, 2015.
7. Copies of the following Board Decisions: ACABOR #16-03, Approved Subject to Conditions, dated January 7, 2016, ZBA #15-90, dated November 18, 2015: Special Permit for Front Yard, Rear Yard Parking Spaces, Floor Area Ratio, Sign Size and Location, Approved; and PB #15-41, Preliminary Site Plan Approval Subject to Conditions, Neg. Dec., dated September 9, 2015.

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8. Site Plans prepared by JMC Site Development Consultants dated June 8, 2015, revised February 18, 2016:

- SP-1: Cover Sheet
- SP-2: Site Existing Conditions Plan
- SP-3: Off Site Conditions Plan
- SP-4: Site Demolition Plan
- SP-5: Off-Site Demolition Plan
- SP-6: Site Layout Plan
- SP-7: Off-Site Layout Plan
- SP-8: Site Grading Plan
- SP-9: Off-Site Grading Plan
- SP-10: Site Utilities Plan
- SP-11: Off-Site Utilities Plan
- SP-12: Site Erosion and Sediment Control Plan
- SP-13: Off-Site Erosion and Sediment Control Plan
- SP-14: Site Landscaping Plan
- SP-15: Site Landscaping Plan
- SP-16: Site Lighting Plan
- SP-17: Sanitary Sewer and Water Main Profile
- SP-18: Storm Sewer Profiles
- SP-19: Road Profiles
- SP-20: Construction Details
- SP-21: Construction Details
- SP-22: Construction Details
- SP-23: Construction Details
- SP-24: Construction Details
- SP-25: Construction Details
- SP-26: Construction Details
- SP-27: Fire Access Plan

9. A Stormwater Pollution Prevention Plan, prepared by JMC, dated June 8, 2015, last revised February 18, 2016.

10. A copy of the Building Permit Referral dated May 8, 2015, signed by Rick Oliver, Building Inspector.

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

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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 submit a separate Site Plan for this application. The Site Plan shall have a Title Block noting the plan as "American Legion Parking Facility Site Plan".
4. The applicant shall comply with all pertinent and applicable conditions of all previous Board Decisions: ACABOR #16-03, Approved Subject to Conditions, dated January 7, 2016, ZBA #15-90, dated November 18, 2015: Special Permit for Front Yard, Rear Yard Parking Spaces, Floor Area Ratio, Sign Size and Location, Approved; and PB #15-41, Preliminary Site Plan Approval Subject to Conditions, Neg. Dec., dated September 9, 2015.
5. The driveway shall be built to a minimum thickness of the Town of Orangetown Rural Road Standards.
6. The requested drawings shall depict the current amount of available parking for this site.
7. It is understood that the SWPPP/ drainage design is being supplied through "Brightview" application. However, the applicant's engineer is advised that required owners certification forms that are part of the SWPPP will be needed from the owner of the site and the Brightview site.
8. Contrary to statements made at the PRC meeting, drawing SP-C appears to show road improvements along the access road to the American Legion property (i.e. new pavement being placed along the north side of the road/ entrance off of Hunt Road being widened/ the saw cutting and connection to the proposed eastern road/ parking area for Brightview.) As stated in PB #15-40, condition #27, any work improvements along this road need to be included in the drainage calculations, SWPPP, the area of disturbance, and the limit of disturbance boundary.

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9. The Post Construction stormwater maintenance agreements shall include checklists for the underground detention systems, catch basins and piping.

10. The “end” of the proposed sanitary sewer easement, near proposed sanitary manhole #8 shall be more clearly defined on all the drawings. Also, the metes and bounds for the proposed easement shall be given on the plans.

11. The proposed sanitary sewer mains to be easemented to the Town shall be realigned to eliminate the large amount of changes in direction and the number of manholes. Also, the applicants shall provide access easements over the proposed main AND over the road to the ball field so the Town can physically get to the mains. This access easement shall be reflected on the drawings.

12. The applicant shall demonstrate legal ability to provide the Town with access and utility easements for the proposed sanitary sewer main AND the American Legion driveway. All proposed easements to the Town shall be submitted for review and approval to DEME and the Town Attorney’s office.

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

This is the second drainage review report to the Planning Board for this project; the last report was dated September 8, 2015. The project is for two separate applications; one for the American Legion parking improvements and one for the Brightview Senior Housing project. With respect to drainage, the two applications are potentially distinct in terms of constructability; however, since the drainage report and site plans were prepared in a combined manner the Drainage Consultant has prepared its drainage review response in a combined manner.

The Brightview development is located on a ridge southwest of the intersection of Hunt Road and Orangeburg Road and the majority of stormwater runoff from the site flows northwest toward Lake Tappan. There is a large well-draining natural depression along the ridge that, when combined with the dense woods and ground cover, results in nominal surface runoff from the site under existing conditions. The drainage report models this low surface runoff under existing conditions in a suitable manner which results in a conservative drainage design.

Five different drainage design points of interest are analyzed with respect to potential impacts for drainage. Three of these design points utilize stormwater infiltration to provide no surface water runoff under proposed conditions. An overall net decrease in peak flow rates from the property are demonstrated by the stormwater management report.

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Project Comments

1. While the overall site shows a reduction in peak runoff rates, Design Points 1 (located near the intersection of Hunt Road and Orangeburg Road) shows a modest increase in peak runoff rates. The drainage report shall demonstrate that the swale along the south side of Orangeburg Road from Design Point 1 to Lake Tappan has the capacity to convey this increase in runoff to Lake Tappan. It is noted that at Lake Tappan, the entire site produces no net increase in peak runoff rates.
2. The First Floor Elevation of the building has been changed to elevation 88.67. There are a few locations along the north side and northeast corner of the building where there the slope near the building is very flat or pitched toward the building; this shall be revised.
3. As per the September 8, 2015 report, additional detail is needed for the access road to Hunt Road. The design calls for a cross slope to the north to direct runoff to a grassy swale north of the new road. A section shall be provided through this area, including the cross slope and grassy swale dimensions. The intent and function of this swale needs to be shown more clearly on the plan to ensure proper construction and avoid runoff from the road bypassing the swale and entering Hunt Road.

14. Rockland County Department of Health (RCDOH) reviewed the plans and offered the following comment:

- Application is to be made to RCDOH for review of the Storm Water Management System for compliance with the County Mosquito Code.

15. The New York State Department of Environmental Conservation (DEC) reviewed the plans and offered the following:

- There are no water bodies that appear on the DEC's maps at the project site identified. Therefore, if there is a stream or pond outlet present at the site with year-round flow, it assumes the classification of the watercourse into which it flows, Lake Tappan, Class A, and a Protection of Waters permit is required. If there is a stream or pond outlet present at the site that runs intermittently (seasonally), it is not protected, and a Protection of Water permit is not required.
- DEC has reviewed the State's Natural Heritage records and determined that the site is located within or near records of the following state-listed species: Bald eagle, *Haliaeetus leucocephalus* (threatened). An Article 11, Title 5 Section 535 of Environmental Conservation Law Incidental "Take" Permit may be required, please contact Lisa Masi of Wildlife at 845-256-2257.

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- The statewide inventory of archaeological resources maintained by the New York State Museum and the New York State Office of Parks, Recreation, and Historic Preservation were reviewed. These records indicate that the project is located within an area considered to be sensitive with regard to archaeological resources.
- Other permits may be required for the project now or in the future. Applicant should contact NYSDEC.

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

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

18. 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.

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- 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.

19. 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.

20. 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.

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

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

24. 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

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

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

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

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: March 23, 2016


**Cheryl Coopersmith, Chief Clerk Boards and Commissions
Town of Orangetown Planning Board**

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