

**Meeting of March 26, 2014
Town of Orangetown Planning Board**

Members Present: Kevin Garvey – Chairman, Bruce Bond, John Foody, William Young, Michael Mandel and Thomas Warren

Member Absent: Robert Dell

Also Present: 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:

St. Thomas Aquinas College PB #14 - 13
Kraus Fitness Center Site Plan Final Site Plan Approval
Prepreliminary/ Preliminary/ Subject to Conditions
Final Site Plan and SEQRA Review Neg. Dec.
74.12/1/29 & 74.16/1/1; R-40 zoning district

Grace Tabernacle Site Plan PB #14 - 16
Prepreliminary/ Preliminary/ Preliminary Site Plan
Final Site Plan and SEQRA Review Approval Subject to
77.08/5/41; CS zoning district Conditions/ Neg. Dec.

Pearl River Brick Building Site Plan PB #14 - 17
Prepreliminary/ Preliminary/ Final Site Plan Approval
Final Site Plan and SEQRA Review Subject to Conditions
68.16/6/3 & 4; CS zoning district Neg. Dec.

SMK Subdivision Plan PB #14 - 18
Request for a 2nd 90 Day Granted 2nd 90 Day
Extension to File Extension to File
the Subdivision Map with the
Rockland County Clerk's Office
70.13/1/21; R-15 zoning district

Orangeburg Commons Site Plan PB #14 - 19
Performance Bond POSTPONED
Request for an Extension of the Term,
and Recommendation to the Town Board
to Reduce the Amount
74.15/1/21; LI zoning district

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Continued Item from the January 29, 2014 Meeting

Mundt Site Plan Preliminary/ Preliminary/ Final Site Plan and SEQRA Review Critical Environmental Area 66.17/1/ 27; R-22 zoning district	PB #14 - 07 Final Site Plan Approval Subject to Conditions Neg. Dec.
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Continued Item from the December 11, 2013 Meeting

Organic Recycling Commercial Subdivision Plan Final Commercial Subdivision Review 74.19/1/3; LI zoning district	PB #13 - 50 Final Approval Subject to Conditions
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Other Business:

1. Referral from the Village of Chestnut Ridge: The Board reviewed the comments from the Town of Orangetown Department of Environmental Management and Engineer, dated March 20, 2014, signed by Bruce Peters, P.E. The comment letter will be provided to the Village of Chestnut Ridge.

2. Lead Agency Request from the Town Board: Proposed Text Amendment, adding "Individual Fitness & Training Center" as a Conditional Use in the LIO Zoning District. The Board signed and forwarded Consent for Lead Agency to the Town Board.

3. Referral from the Town Board: Zone Change to General Residence, from CC and MFR to RG zone. The sites are as follows:

- 68.16/5/21: 155 Braunsdorf Road – Eichner is CC zone
- 68.16/5/20: 166 Hunt Avenue –Scherer is CC zone, and
- 68.16/5/54: 156 Braunsdorf Road – DiGiovanni is MFR zone

The Board held that the Town Board should take a closer look at the area to be included in the zone change. The Planning Board recommended that the proposed area for the zone change to RG should be expanded to include all residential properties on all Hunt and Bogart Avenues.

4. Review of Fees for the Planning Board Drainage Consultant: The Board reviewed the 2014 Proposed Fee Schedule for Brooker Engineering and determined that the fees were acceptable.

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Town of Orangetown Planning Board**

The decisions of the February 26, 2014 Planning Board Meeting were reviewed, edited, and approved. The motion for adoption was made and moved by William Young and seconded by John Foody and carried as follows:
William Young, aye; Kevin Garvey, aye, Thomas Warren, aye, Robert Dell, absent; Bruce Bond, aye; Michael Mandel, aye and John Foody, aye.

A motion was made to move into Executive Session at 8:20 p.m. by Bruce Bond and seconded by William Young and carried as follows: Bruce Bond, aye; Michael Mandel, recused; William Young, aye; Robert Dell, absent; John Foody, aye; Thomas Warren, aye and Kevin Garvey, aye.

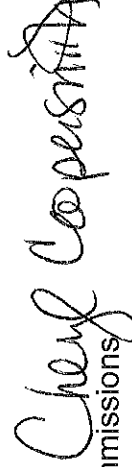
A motion was made to close the Executive Session at 8:45 p.m. and reopen the meeting by Kevin Garvey and seconded by William Young and carried as follows: Bruce Bond, aye; Michael Mandel, recused; William Young, aye; Robert Dell, aye; John Foody, aye; Thomas Warren aye and Kevin Garvey, aye.

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

Since there was no further business to come before the Board, a motion to adjourn the meeting was made by Bruce Bond and seconded by William Young and agreed to by all in attendance. The meeting was adjourned at 8:50 p.m. The next Planning Board meeting is scheduled for April 9, 2014.

DATED: March 26, 2014

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



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PB #14-13: St. Thomas Aquinas Kraus Fitness Center Site Plan - Preliminary Approval Subject to Conditions/ Neg. Dec.

Town of Orangetown Planning Board Decision

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TO: John Atzl, Atzl, Scatassa & Zigler, 234, North Main Street, New City, New York 10956

FROM: Orangetown Planning Board

RE: St. Thomas Aquinas College Site Plan: The application of St. Thomas Aquinas College, owner, for Prepreliminary/ Preliminary/ Final Site Plan Review for Kraus Fitness Center, at a site known as “**St. Thomas Aquinas College 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 125 Route 340, Sparkill, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 74.12, Block 1, Lot 29 & Section 74.16, Block 1, Lot 1 in the R-40 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **March 26, 2014** at which time the Board made the following determinations:

John Atzl and Joseph Donini appeared and testified.

The Board received the following communications:

1. Project Review Committee Reports dated March 19 & February 19, 2014.
2. Interdepartmental memorandums from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated March 26 & February 26, 2014.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., February 21, 2014.
4. A letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated February 18, 2014.
5. A letter from Rockland County Department of Planning, signed by Thomas B. Vanderbeek, Commissioner of Planning, dated February 19, 2014.
6. A letter from Rockland County Drainage Agency, signed by Vincent Altieri, Executive Director, dated February 14, 2014.
7. Letters from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated January 28 & 29, 2014.
8. A letter from Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer, dated February 14, 2014.

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9. A letter from the New York State Department of Transportation, signed by Mary Jo Russo, P.E., Rockland County Permit Engineer, dated February 5, 2014.
10. Letters from the New York State Department of Environmental Conservation, Division of Environmental Permits, Region 3, signed by Jean McAvoy, dated February 11, 2014.
11. A letter from the Town of Orangetown Zoning Board of Appeals, signed by February 19, 2014.
12. A Short Environmental Assessment Form signed by Joseph Donini, dated January 16, 2014.
13. A Narrative Summary, prepared by Atzl, Scatassa & Zigler, dated January 15, 2014.
14. Stormwater Management Report & Water Quality and Quantity System Design prepared by Ray Ahmadi, Ph.D., P.E., dated January 20, 2014.
15. Kraus Fitness Center Plans prepared by Atzl, Scatassa & Zigler, dated January 20, 2014:
 - Drawing No. 1: Existing Conditions
 - Drawing No. 2: Site Plan
 - Drawing No. 3: Grading Plan
 - Drawing No. 4: Wetlands Map
 - Drawing No. 5: Detail Sheet

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

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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 Atzl, Scatassa & Zigler and having heard from the following offices, officials and/or Departments: (Town of Orangetown): Project Review Committee, Office of Building, Zoning, Planning Administration and Enforcement and Department of Environmental Management and Engineering; and having heard from the following involved and interested agencies: Town of Orangetown Zoning Board of Appeals, Rockland County Drainage Agency, Rockland County Department of Health, Rockland County Sewer District No.1, New York State Department of Transportation, New York State Department of Environmental Conservation, and having reviewed proposed Site Plans by prepared by Atzl, Scatassa & Zigler, 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;

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- Will not have an impairment of existing community or neighborhood character;
- Will not remove or destroy large quantities of vegetation or fauna;
- Will not remove or destroy large quantities of wildlife species or migratory fish;
- Will not have a significant adverse impact to natural resources;
- Is consistent with the Town of Orangetown's Comprehensive/Master Plan;
- Will not have adverse economic or social impacts upon the Town;
- Will not create a hazard to human health; and
- Will not create a substantial change in the use of land, open space or recreational resources.

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

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

1. The following note shall be placed on the Site Plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a meeting."
2. The following note shall be placed on the Site Plan regarding Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.
3. The applicant shall make application to the Town of Orangetown Architecture and Community Appearance Board of Review for review of the site and building addition plans.

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4. The Short Environmental Assessment Form appears to be in order.
5. The drainage calculations are currently under review by DEME. However, the calculations shall describe the post construction maintenance of the pretreatment manhole.
6. Even though no credit is taken for percolation of the proposed runoff into the surrounding soil, a Perc test shall be done in the area of the proposed drywell. The Perc test shall be done prior to Stamping of the Final Site Plan.
7. Soil erosion and sediment control plans and details shall be submitted to DEME for review and approval.
8. The location of existing sanitary mains and building connects, in the proposed construction area, shall be shown on the plans.
9. This is the first drainage review report to the Planning Board for this project by the Board's Drainage Consultant, Brooker Engineering. The project consists of a one story addition to the northeast side of the existing gymnasium at St. Thomas Aquinas College. The addition is 32 feet by 76 feet (2,432 square feet) and is located on a grassy area. Stormwater runoff currently flows in a northeasterly direction to an existing parking lot. The applicant is proposing a drywell system to mitigate against potential impacts to increases in stormwater runoff as a result of the new impervious areas.

The application has provided drainage design to demonstrate that potential significant adverse impacts with respect to drainage can be mitigated. The Board's Drainage Consultant, Brooker Engineer, recommends that the St. Thomas Aquinas College Kraus Fitness Center be approved for drainage subject to the following project comments.

Project Comments

1. The stormwater detention calculations shall not use the volume of voids in the stone below the invert of the drywell and the volume of the drywell/stone voids above the invert of the overflow pipe in the available storage calculations.
2. The drywell location shall be moved away from the existing basement foundation. The storm drainage pipes between the pretreatment structure and the outlet point at the existing catch basin shall be realigned to minimize bends in the proposed storm drain pipe.
3. The Site Plan shall verify that only rooftop runoff from the proposed roof and no runoff from the existing roof will enter the new stormwater management system.
4. The Site Plans shall state if a basement is proposed as part of the addition. If a basement is proposed, a foundation drain shall be added. If no basement is proposed, the plans shall label the new construction as slab on grade.

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10. 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.
- As per the January 29, 2014 letter from the Rockland County Department of Health, an application must be made to them for review of the Stormwater Management System for compliance with the County Mosquito Code.
- A review must be completed by the Rockland County Drainage Agency, and any required permits obtained.
- There shall be no net increase in stormwater runoff.
- Prior to the start of construction or grading, a soil and erosion control plan shall be developed in place for the entire site that meets the New York State Guidelines for Urban Erosion and Sediment Control.

11. Rockland County Department of Health reviewed the Site Plan and found that the application is to be made to RCDOH for review of the storm water management system for compliance with the County Mosquito Code.

12. Based upon Rockland County Drainage Agency (RCDA) evaluation of available mapping and information submitted, it has been determined that the proposed activity is within the jurisdiction of the RCDA. Accordingly, a permit from the RCDA pursuant to the Rockland County Stream Control Act, Chapter 846, is required.

13. 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.

14. The New York State Department of Transportation reviewed the proposed subject property and has no further comments.

15. The New York State Department of Environmental Conservation indicated that based upon its review of the circulated documents, the following permits are required:

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PB #14-13: St. Thomas Aquinas Kraus Fitness Center Site Plan - Preliminary Approval Subject to Conditions/ Neg. Dec.

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Continuation of Condition #15...

- The Sparkill Creek tributary (B) H-13-7 is a protected stream. A protected of Water permit is required to physically disturb the bed or banks, (up to 50 feet from the stream) of any streams identified as "Protected."
- The project is not within a New York State protected Freshwater Wetland, However, the applicant should contact the United State Department of Army, Corps of Engineers' New York District Office (ACOE) for any permitting they might require.
- NYSDEC reviewed the statewide inventory of archaeological resources. These records indicate that the project is located within an area considered to be sensitive with regard to archaeological resources. The applicant is directed to visit the New York State Office of Historic Preservation, <http://www.nysparks.com/shpo/>.

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

- Rockland County Department of Health
- Rockland County Sewer District No. 1
- New York State Department of Environmental Conservation
- New York State Department of Transportation
- Town of Orangetown Zoning Board of Appeals
- Rockland County Drainage Agency

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

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

19. All of the conditions of this decision, shall be binding upon the owner of the subject property, its successors and/or assigns, including the requirement to maintain the property in accordance with the conditions of this decision and the requirement, if any, to install improvements pursuant to Town Code §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.

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

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

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Continuation of Condition #20...

- 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.

21. All landscaping shown on the site plans shall be maintained in a vigorous growing condition throughout the duration of the use of this site. Any plants not so maintained shall be replaced with new plants at the beginning of the next immediately following growing season.
22. Prior to the commencement of any site work, including the removal of trees, the applicant shall install the soil erosion and sedimentation control as required by the Planning Board. Prior to the authorization to proceed with any phase of the site work, the Town of Orangetown Department of Environmental Management and Engineering (DEME) shall inspect the installation of all required soil erosion and sedimentation control measures. The applicant shall contact DEME at least 48 hours in advance for an inspection.
23. The contractor's trailer, if any is proposed, shall be located as approved by the Planning Board.
24. If the applicant, during the course of construction, encounters such conditions as flood areas, underground water, soft or silty areas, improper drainage, or any other unusual circumstances or conditions that were not foreseen in the original planning, such conditions shall be reported immediately to DEME. The applicant shall submit their recommendations as to the special treatment to be given such

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Continuation of Condition #24...

areas to secure adequate, permanent and satisfactory construction. DEME shall investigate the condition(s), and shall either approve the applicant's recommendations to correct the condition(s), or order a modification thereof. In the event of the applicant's disagreement with the decision of DEME, or in the event of a significant change resulting to the subdivision plan or site plan or any change that involves a wetland regulated area, the matter shall be decided by the agency with jurisdiction in that area (i.e. Wetlands - U.S. Army Corps of Engineers).

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

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

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

The foregoing Resolution was made and moved by Thomas Warren and seconded by William Young and carried as follows: Bruce Bond, aye; Michael Mandel, aye; William Young, aye; John Foody, aye; Robert Dell, absent; Thomas Warren, aye and Kevin Garvey, 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 26, 2014

Cheryl Coopersmith

Chief Clerk Boards and Commissions

Town of Orangetown Planning Board

Attachment



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TOWN OF ORANGETOWN

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

**St. Thomas Aquinas Kraus Fitness Center Site Plan - Preliminary Approval
Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision
March 26, 2014**

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: St. Thomas Aquinas Kraus Fitness Center Site Plan
Preliminary 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 125 Route 340, Sparkill, New York; Sparkill, Town of Orangetown, Rockland County, New York and as shown on the Orangetown Tax Map as Section 74.12, Block 1, Lot 29 and Section 74.16, Block 1, Lot 1, in the R-40 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 #14-16: Grace Tabernacle Site Plan: Preliminary Site Plan Approval
Subject to Conditions/ Neg. Dec.**

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TO: John Atzl, 234 North Main Street, New City, 10956
FROM: Orangetown Planning Board
RE: Grace Tabernacle Site Plan: The application of John Mathew, Grace Tabernacle, Inc., applicant, for Khaneghah of Maktab Maleknia Naseral Ishah, owner, for Prepreliminary/ Preliminary/ Final Site Plan Review, at a site known as “**Grace Tabernacle 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 617 Main Street, Sparkill, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 77.08, Block 5, Lot 41 in the CS zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, March 26, 2014**, the Board made the following determinations:

John Atzl and John Mathew appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated March 19, 2014.
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 26, 2014.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated March 20, 2014.
4. A letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated March 24, 2014.
5. Letters from Rockland County Department of Planning, signed by Thomas B. Vanderbeek, Commissioner of Planning, dated March 12, 2014 and Arlene Miller, dated March 14, 2014.
6. A letter from the Rockland County Department of Highways, signed by Sonny Lin, P.E., dated March 24, 2013.
7. Letters from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated February 20, 2014.
8. A letter from the Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer II, dated March 11, 2014.
9. A letter from the Rockland County Drainage Agency, signed by Vincent Altieri, Executive Director, dated March 5, 2014.
10. An interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by Michael Bettmann, Chief Fire Inspector, dated August 7, 2013.
11. A letter from the Town of Orangetown Zoning Board of Appeals, signed by Patricia Castelli, dated February 19, 2014.

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**PB #14-16: Grace Tabernacle Site Plan: Preliminary Site Plan Approval
Subject to Conditions/ Neg. Dec.**

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12. A letter from the New York State Department of Transportation, signed by Mary Jo Russo, PE, Rockland County Permit Engineer, dated March 17, 2014.
13. A copy of the Short Environmental Assessment Form, signed by John Mathew, dated February 11, 2014.
14. A Narrative Summary, dated February 7, 2014, prepared by Atzl, Scatassa & Zigler.
15. Plans prepared, signed and sealed by Atzl, Scatassa & Zigler, dated January 29, 2014:
 - Drawing 1: Site Plan
 - Drawing 2: Grading and Detail Plan
16. Stormwater Management Design Report, prepared by Atzl, Scatassa & Zigler, signed and sealed by Ryan A. Nasher, P.E., dated January 29, 2014.
17. The New York State Department of Transportation reviewed the submitted plan and had no further comments on the proposed subject property.

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

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

After having identified the relevant areas of environmental concern, namely drainage, surface water runoff, land clearing, vegetation, fauna, traffic and noise levels, and after having taken a hard look at said environmental issues, and after having deliberated regarding such concerns, and having heard from the applicant, the applicant's professional representatives, namely Atzl, Scatassa & Zigler, dated January 29, 2014 and having heard from the following offices,

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officials and/or Departments: (Town of Orangetown): Project Review Committee, Office of Building, Zoning, Planning Administration and Enforcement and Department of Environmental Management and Engineering, Bureau of Fire Protection, and having heard from the following involved and interested agencies: Town of Orangetown Zoning Board of Appeals, Rockland County Department of Planning, Rockland County Department of Health, Rockland County Sewer District #1, Rockland County Drainage Agency, and having reviewed a proposed Site Plan by prepared by Atzl, Scatassa & Zigler, dated January 29, 2014, a summary of the reasons supporting this determination are, and the Planning Board finds that the proposed action:

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

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

DECISION: In view of the foregoing and the testimony before the Board, the application was **Granted a 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 proposed addition requires a side yard setback variance, since 0/12 feet is required and 0.9 feet is proposed (CS zone district, Group HH, Column 0).
4. The plan indicates 40 seats to be in the church. The seats will not be fixed, therefore, the Planning Board may want to impose a maximum amount of seats that will be allowed in the Church based on the existing parking area and in accordance with the Fire Code. The applicant shall work with the Town of Orangetown Bureau of Fire Prevention to determine the number of parking spaces. The final count of parking spaces shall be established prior to submitting for Planning Board Final Review.
5. The Short Environmental Assessment Form appears to be in order.
6. The drainage calculations are currently under review by DEME. Notes 1 and 2 (drawing #2, drywell detail) indicates that a "perc" test shall be performed prior to the installation of the drywell. These notes shall be changed to say that "perc" tests shall be done prior to receiving Final Approval from the Planning Board, this is necessary to ensure the adequacy of the drywell design.
7. This is the first drainage review report to the Planning Board from the Drainage Consultant, Brooker Engineering. The project consists of a two story 16.5' x 26.5' (438 square feet) addition in the rear to the rear of an existing building. Stormwater runoff flows in a northwest direction across an existing parking lot to an existing field inlet on the property. The applicant is proposing a drywell system to mitigate against potential impacts to increases in stormwater runoff as a result of the new impervious areas. The application has provided drainage design to demonstrate that potential significant adverse impacts with respect to drainage can be mitigated, and therefore recommends that the Grace Tabernacle, Inc. Site Plan be approved for drainage subject to the following project comments.

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Continuation of Condition #7...

Project Comments

1. The Site Plan shall show the elevation of the finished first floor for the addition. If a basement is proposed, the basement floor elevation and footing drain shall be shown. If no basement is proposed, a note shall be added to the Site Plan indicating this.
 2. The area at the building addition is very flat. Proposed grades shall be added for top and bottom of curb elevations and edge of pavement elevations near the addition to ensure stormwater runoff will be directed north around the building addition. Stormwater runoff shall not be directed to the lot to the south.
 3. Add a note to the Site Plan "All roof leaders for the building addition shall be directed to the proposed drywell."
 4. A maintenance plan for the drywell shall be provided on the Site Plan.
 5. The drywell calculations shall not include drywell volume and crushed volume above the invert of the drywell outlet pipe in the available storage calculations. The drywell calculations shall not include volume of stone below the invert of the drywell in the available storage calculations.
 6. It is recommended that a minimum pipe diameter of six inches be used for the proposed drainage pipes.
- 8.** Rockland County Department of Planning had the following comments which are incorporated herein as conditions of approval:
- A review shall be completed by the County of Rockland Department of Highways and all required permits obtained.
 - The comment in the February 20, 2014 letter from the Rockland County Department of Health must be met.
 - All proposed signage shall be indicated on the Site Plan and shall conform to the municipality's sign standards.
 - All lighting shall be contained on site and shall not shine into the County highway right of way.
- 9.** The Rockland County Department of Health reviewed the submitted information and found that application shall be made to the Rockland County Department of Health for review of the stormwater management system for compliance with the County Mosquito Code.

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10. The Rockland County Department of Highways reviewed the submitted information and offered the following remarks:

- The Designated Street Line (DSL) along Washington Street next to the referenced property shall be shown on the drawing. The strip between the right of way line and the DSL shall be gratuitously dedicated to the County of Rockland.
- Based upon the plans and information provided, a traffic impact statement for the expected change of use for religious addition shall be submitted to Rockland County Department of Highways.
- A copy of the drainage study for this project shall be forwarded to the Highway Department for additional review and approval.
- A Rockland County Highway Department Work Permit will be required prior to any proposed construction on site.
- A separate Rockland County Highway Department Road Opening Permit will be required prior to any sewer or utility connections that may require disruption to the paved surface within the County Highway.

11. 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.

12. Based upon Rockland County Drainage Agency (RCDA) evaluation of available mapping and information submitted, it has been determined that the proposed activity is outside the jurisdiction of the RCDA. Therefore, a permit from the RCDA pursuant to the Rockland County Stream Control Act, Chapter 846, is not required based upon its review of the information provided. However, the site is located on Main Street (Rockland County Highway Route #8) in Sparkill. Please have the applicant contact the Rockland County Highway Department for jurisdictional determination and permit requirements.

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

- The plan submitted shows a 2 story addition, please explain the project.
- The Fire Sprinkler must be updated to NFPA 13 assembly occupancies. Inspected and tested as per NFPA 25.
- The Fire Alarm must be separated into zones and report to Rockland County 44-Control.
- Install Key Box.
- Provide Fire Extinguishers as required by NFPA 10.
- Provide Emergency lighting as per NEC.
- A floor usage plan must be provided.
- Provide and maintain Fire Lane/Zone signage, "No Parking" signage and striping and show all signage and markings on the final approved Site Plan.

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14. The applicant shall comply with all pertinent items in the Guide to the Preparation of Site Plans prior to signing the final plans.
15. All reviews and approvals from various governmental agencies must be obtained prior to stamping of the Site Plan.
16. 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.
17. The following agencies do not object to the Town of Orangetown Planning Board assuming responsibilities of lead agency for SEQRA purposes:
- Rockland County Department of Health
 - Town of Orangetown Zoning Board of Appeals
 - Rockland County Drainage Agency
 - Rockland County Department of Planning
 - Rockland County Sewer District No.1
 - Rockland County Department of Highways
 - New York State Department of Transportation

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 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 ¼ inch of plywood or boards, or equal over the area to be protected.

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Continuation of Condition #18...

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).

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

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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.

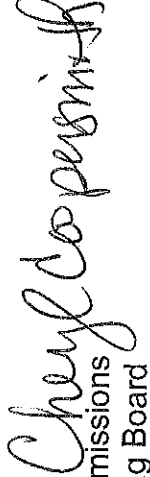
The foregoing Resolution was made and moved by Bruce Bond and seconded by William Young and carried as follows: Bruce Bond, aye; Kevin Garvey, aye; Michael Mandel, aye; William Young, aye; John Foody, aye; Robert Dell, absent and Thomas Warren, aye.

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 26, 2014

Cheryl Coopersmith

Chief Clerk Boards and Commissions
Town of Orangetown Planning Board



attachment

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TOWN OF ORANGETOWN

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

**Grace Tabernacle Site Plan: 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: Grace Tabernacle 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 617 Main Street, Sparkill, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 77.08, Block 5, Lot 41 in the CS zoning district.

REASONS SUPPORTING THIS DETERMINATION:

The Orangetown Planning Board, as Lead Agency, determined that the proposed action will not have a significant impact on the environment and a Draft Environmental Impact Statement (DEIS) will not be prepared. The reasons supporting this determination are as follows:
The project will not have a significant impact upon the environment and a DEIS need not be prepared because the proposed action does not significantly affect air quality, surface or ground water quality, noise levels or existing external traffic patterns. In addition, it will have no impact upon the aesthetic, agricultural or cultural resources of the neighborhood. No vegetation, fauna or wildlife species will be affected as a result of this proposed development. The proposed action is consistent with the Town of Orangetown's Master Plan and will not have any adverse economic or social impacts upon the Town or its businesses or residences.

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

For Further Information contact:

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

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

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PB #14-17: Pearl River Brick Building, LLC Site Plan– Final Site Plan Approval Subject to Conditions/ Neg. Dec.

**Town of Orangetown Planning Board Decision
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**TO: Sean Nichols, 30 North Williams Street, Pearl River,
New York 10965**

FROM: Orangetown Planning Board

RE: Pearl River Brick Building, LLC Site Plan: The application of Sean Nichols, applicant, for Alan LaGarde, owner, for Preliminary/ Preliminary/ Final Site Plan Review, at a site known as “**Pearl River Brick Building, LLC 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 20-30 North Williams Street, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 68.16, Block 6, Lots 3 & 4 in the CS zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, March 26, 2014**, the Board made the following determinations:

Sean Nichols and Alan LaGarde appeared and testified for the applicant. The Board received the following communications:

1. Project Review Committee Report dated March 19, 2014.
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 26, 2014.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated March 20, 2014.
4. A letter from the Rockland County Department of Planning, signed by Thomas Vanderbeek, Commissioner of Planning, dated March 14, 2014.
5. Letters from the Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated March 11, 2014.
6. A letter from the Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer II, dated March 12, 2014.
7. An interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by Michael Bettmann, Chief, dated March 7, 2014.
8. A letter from the Town of Orangetown Zoning Board of Appeals, signed by Daniel W. Sullivan, dated March 5, 2014.
9. A Short Environmental Assessment Form, dated February 2014, signed by Sean Nichols.
10. Land Survey prepared by Robert Sorace, PLS, dated October 15, 2013.

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

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

After having identified the relevant areas of environmental concern, namely drainage, surface water runoff, land clearing, vegetation, fauna, traffic and noise levels, and after having taken a hard look at said environmental issues, and after having deliberated regarding such concerns, and having heard from the applicant, the applicant’s professional representatives, namely Robert Sorace, PLS, and having heard from the following offices, officials and/or Departments: (Town of Orangetown): Project Review Committee, Office of Building, Zoning, Planning Administration and Enforcement and Department of Environmental Management and Engineering; and having heard from the following involved and interested agencies: Town of Orangetown Zoning Board of Appeals, Rockland County Department of Health, Rockland County Sewer District No. 1, and having reviewed the proposed Land Survey prepared by Robert Sorace, PLS, a summary of the reasons supporting this determination are, and the Planning Board finds that the proposed action:

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

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

DECISION: In view of the foregoing and the testimony before the Board, the application was Granted 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.

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3. The two lots, #3 and #4, are pre-existing and were approved prior to site development plan approval. The property was recently sold and the new owner needs a Certificate of Occupancy. Since the property exists as two separate lots and the new owner is not proposing any exterior changes, a waiver from the Site Plan requirements is in order for this application.
4. The paved parking lot on Lot #4 is used for the occupants of Lot #3. Since these are two separate tax lots, the applicant shall enter into a covenant attaching the parking lot on Lot #3 to Lot #4. This agreement shall be subject to review and approval in substance and form by the Town of Orangetown Town Attorney's Office.
5. A handicap parking shall be provided in the parking lot if one does not presently exist.
6. The Short Environmental Assessment Form appears to be in order.
7. Rockland County Department of Planning reviewed the submitted plan and found that since the proposed project will have no adverse impacts on any County wide interest, the matter is remanded for local determination.
8. 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.
9. The Rockland County Department of Health (RCDOH) reviewed the plan and based on the information provided, there are no Rockland County Department of Health approvals needed for this project.
10. The following agencies do not object to the Town of Orangetown Planning Board assuming responsibilities of lead agency for SEQRA purposes:
 - Town of Orangetown Zoning Board of Appeals
 - Rockland County Department of Health
 - Rockland County Sewer District No. 1
11. The applicant shall comply with all pertinent items in the Guide to the Preparation of Site Plans prior to signing the final plans.
12. All reviews and approvals from various governmental agencies must be obtained prior to stamping of the Site Plan.

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

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

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

TOWN CLERKS OFFICE

2014 APR 10 PM 1:43

TOWN OF ORANGETOWN

**PB #14-17: Pearl River Brick Building, LLC Site Plan– Final Site Plan
Approval Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision
March 26, 2014
Page 6 of 6**

16. The contractor's trailer, if any is proposed, shall be located as approved by the Planning Board.
17. If the applicant, during the course of construction, encounters such conditions as flood areas, underground water, soft or silty areas, improper drainage, or any other unusual circumstances or conditions that were not foreseen in the original planning, such conditions shall be reported immediately to DEME. The applicant shall submit their recommendations as to the special treatment to be given such areas to secure adequate, permanent and satisfactory construction. DEME shall investigate the condition(s), and shall either approve the applicant's recommendations to correct the condition(s), or order a modification thereof. In the event of the applicant's disagreement with the decision of DEME, or in the event of a significant change resulting to the subdivision plan or site plan or any change that involves a wetland regulated area, the matter shall be decided by the agency with jurisdiction in that area (i.e. Wetlands - U.S. Army Corps of Engineers).
18. Permanent vegetation cover of disturbed areas shall be established on the site within thirty (30) days of the completion of construction.
19. Prior (at least 14 days) to the placing of any road sub-base, the applicant shall provide the Town of Orangetown Superintendent of Highways and DEME with a plan and profile of the graded road to be paved in order that these departments may review the drawings conformance to the approved construction plans and the Town Street Specifications
20. The Planning Board shall retain jurisdiction over lighting, landscaping, signs and refuse control.
21. All of the conditions of this decision, shall be binding upon the owner of the subject property, its successors and /or assigns, including the requirement to maintain the property in accordance with the conditions of this decision and the requirement, if any, to install improvements pursuant to Town Code §21A-9. Failure to abide by the conditions of this decision as set forth herein shall be considered a violation of Site Plan Approval pursuant to Town Code §21A-4.

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

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

Dated: March 26, 2014
Cheryl Coopersmith
Chief Clerk Boards and Commissions
Town of Orangetown Planning Board



TOWN CLERKS OFFICE

THU APR 10 PM 1 41

TOWN OF ORANGETOWN

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

Pearl River Brick Building, LLC Site Plan-- Final Site Plan Approval Subject to Conditions/ Neg. Dec.

**Town of Orangetown Planning Board Decision
March 26, 2014**

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

NAME OF ACTION: Pearl River Brick Building, LLC Site Plan-- Final 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 20-30 North Williams Street, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 68.16, Block 6, Lots 3 & 4 in the CS zoning district.

REASONS SUPPORTING THIS DETERMINATION:

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

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

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

For Further Information contact:

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

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

TOWN CLERKS OFFICE

2014 APR 10 PM 1 41

TOWN OF ORANGETOWN

PB#14-18: SMK Erie Subdivision – Granted 2nd 90 Day Extension to File the Subdivision with the Rockland County Clerk's Office

Town of Orangetown Planning Board Decision

March 26, 2014

Page 1 of 2

TO: Jay Greenwell, 85 Lafayette Avenue, Suffern,
New York 10901

FROM: Town of Orangetown Planning Board

RE: SMK -Erie Subdivision Plan: The application Jay Greenwell, applicant, for SMK Home Builders, Inc., owner, for a 2nd 90 Day Extension to File the Subdivision Map with the Rockland County Clerk's Office, at a site to be known as "**SMK – Erie Subdivision Plan**", in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21 of the Code of the Town of Orangetown. The site is located 86 West Erie Street, Blauvelt, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 70.13, Block 1, Lot 21 in the R-15 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, March 26, 2014**, at which time the Board made the following determinations:

The Board received the following communications:

1. Project Review Committee Report dated March 19, 2014.
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 26, 2014.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated March 20, 2014.
4. PB #14-06: SMK Erie Sub Subdivision – Granted 1st 90 Day Extension to File the Subdivision with the Rockland County Clerk's Office, dated January 15, 2014 and PB #13-28, Final Subdivision Plan Approval Subject to Conditions dated June 26, 2013.

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

DECISION: In view of the foregoing, the Board **GRANTED a 2nd 90 Day Extension to File the Subdivision Plan with the Rockland County Clerk's Office.**

TOWN CLERKS OFFICE

2014 APR 10 PM 1 41

TOWN OF ORANGETOWN

**PB#14-18: SMK Erie Subdivision – Granted 2nd 90 Day Extension to File
the Subdivision with the Rockland County Clerk's Office**

Town of Orangetown Planning Board Decision

March 26, 2014

Page 2 of 2

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

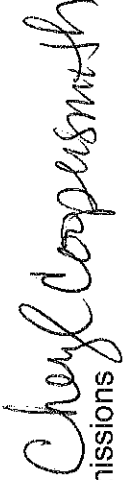
The Clerk of the Board is hereby authorized, directed and empowered to sign this **Decision** and file a certified copy in the Office of the Town Clerk and this Office of the Planning Board.

Dated: March 26, 2014

Cheryl Coopersmith

Chief Clerk Boards and Commissions

Town of Orangetown Planning Board



TOWN OF ORANGETOWN
2014 APR 10 PM 1 41
TOWN CLERKS OFFICE

PB #14-07: Mundt Site Plan – Final Site Plan Approval Subject to Conditions- Critical Environmental Area/ Neg. Dec.

**Town of Orangetown Planning Board Decision
March 26, 2014
Page 1 of 8**

TO: Fred Mundt, 252 South Boulevard, Upper Grandview, New York, 10960
FROM: Orangetown Planning Board

RE: Mundt Site Plan: The application of Fred Mundt, owner, for Preliminary/ Preliminary/ Final Site Plan Review, at a site located in the Critical Environmental Area known as “**Mundt 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 252 South Boulevard, in the Critical Environmental Area, Upper Grandview, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 66.17, Block 1, Lot 27 in the R-22 zoning district.

Heard by the Planning Board of the Town of Orangetown at meetings held, **Wednesday, January 29 and March 26, 2014** at which time the Board made the following determinations:

January 29, 2014

Fred Mundt and Stephen Hoppe appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated January 22, 2014.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated January 29, 2014.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated January 23, 2014.
4. A letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated January 16, 2014.
5. A letter from Rockland County Department of Planning, signed by Thomas B. Vanderbeek, P.E., Commissioner of Planning, dated January 17, 2014.
6. Letters from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated January 7, 2014.
7. A letter from Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer II, dated January 15, 2014.
8. A Short Environmental Assessment Form, dated December 27, 2013 signed by Fred Mundt.
9. Site Plan prepared by Stephen Hoppe, PLS, dated December 10, 2013.

TOWN CLERKS OFFICE
2014 APR 10 PM 1:41
TOWN OF ORANGETOWN

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

The applicant requested a **CONTINUATION**.

March 26, 2014

Fred Mundt appeared and testified.

The Board received the following communications:

1. A Project Review Committee Report dated March 19, 2014.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated March 26, 2014.
3. A copy of an email from John Giardiello, P.E., Director, to Fred Mundt, dated March 24, 2014.
4. An interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated March 20, 2014.
5. A letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated March 25, 2014.
6. Site Plan prepared by Stephen Hoppe, PLS, dated December 10, 2013, revised March 6, 2014.

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

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

The proposed action is classified as an “unlisted action” as defined by Section 617.2 (ak) of the New York State Environmental Quality Review Regulations (SEQRR). No agency, other than the Orangetown Planning Board will have any significant involvement in the review process, pursuant to Section 617.6 of SEQRA.

On motion by Bruce Bond and seconded by Thomas Warren and carried as follows: Kevin Garvey, aye; Bruce Bond, aye; William Young, aye; Michael Mandel, aye; Robert Dell, absent; John Foody, aye and Thomas Warren, aye; the Board declared itself Lead Agency.

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

TOWN CLERKS OFFICE

2014 APR 10 PM 1:42

TOWN OF ORANGETOWN

P B #14-07: Mundt Site Plan – Final Site Plan Approval Subject to Conditions- Critical Environmental Area/ Neg. Dec.

Town of Orangetown Planning Board Decision

March 26, 2014

Page 3 of 8

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 Stephen Hoppe, PLS, and having heard from the following offices, officials and/or Departments: (Town of Orangetown): Project Review Committee, Office of Building, Zoning, Planning Administration and Enforcement and Department of Environmental Management and Engineering, and having heard from the following involved and interested agencies: Rockland County Health Department, Rockland County Sewer District No. 1, and having reviewed the proposed plan, a summary of the reasons supporting this determination are, and the Planning Board finds that the proposed action:

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

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

TOWN CLERKS OFFICE

2014 APR 10 PM 1:42

TOWN OF ORANGETOWN

P B #14-07: Mundt Site Plan – Final Site Plan Approval Subject to Conditions- Critical Environmental Area/ Neg. Dec.

Town of Orangetown Planning Board Decision

March 26, 2014

Page 4 of 8

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. The following note shall be placed on the Site Plan regarding Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.
3. The gravel drive to the proposed garage shall be paved as per 6.332.
 - 6.332: Driveways of single or two family residences shall be properly graded to meet the established grade of the public right of way and/or sidewalk. Said driveway shall be at least 10 feet wide with a maximum grade not to exceed 10% and installed with at least 3 inches of binder mix with a top wearing course of 1 ½ inches of fine mix asphalt concrete, rolled with a four-to-six ton tandem roller or equivalent as approved by the Town Engineer or consulting engineer.
4. The location of the relocated deck is subject to review and approval by the Director of the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown
5. The address of the Record Owner shall be corrected to read "Upper Grandview".
6. Show all utilities on the Site Plan.
7. Show any proposed grading on the Site Plan
8. Provide and erosion and sediment control plan.
9. Item #2 of the Short Environmental Assessment Form shall be answered "Yes" and "Building Permit" listed.
10. The drainage calculations are currently under review by DEME. However, because the Perc Rate is assumed, a field Perc Test shall be administered prior to stamping of the Final Site Plan, to ensure adequacy of designed drainage system. The applicant's engineer shall provide a copy of the field Perc Test to DEME and the Building Department.

TOWN CLERKS OFFICE

2014 APR 10 PM 1:42

TOWN OF ORANGETOWN

PB #14-07: Mundt Site Plan – Final Site Plan Approval Subject to Conditions- Critical Environmental Area/ Neg. Dec.

Town of Orangetown Planning Board Decision

March 26, 2014

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11. The overflow from the proposed drywell system shall lead to a “level spreader” or other approved design (by the applicant’s engineer). This is to avoid having a point source flow directed at the neighboring properties.
12. The metes and bounds as well as page and liber/ instrument number and ownership for all existing easements, shall be labeled on the site plan, especially the sanitary sewer mains.
13. A detail for the proposed driveway shall be given on the plan.
14. The existing manhole along the northern property line is labeled twice with two different elevations. The erroneous label shall be removed from the Site Plan.
15. The Drainage Consultant to the Planning Board, Brooker Engineering, reviewed the submitted information and determined that the application has demonstrated that potential significant adverse impacts with respect to drainage can be mitigated, and therefore recommends that the Mundt Site Plan be approved for drainage subject to the following Project Comments.

This is the second drainage review report to the Planning Board for this project; the last report was dated January 16, 2014. The property is located on the east side of South Boulevard. The site contains an existing one story residential structure that is currently being renovated. The property has a moderate downhill slope to the east. Land disturbance and clearing has been performed in the backyard; the front yard remains undisturbed. The project includes a proposed detached garage near the south property line, driveway extension, and a proposed deck and building addition on the main house.

This revised submission, drainage calculations and drywell design have been provided that provides mitigation against increases in stormwater runoff due to the new impervious area. Two six feet diameter, six feet deep drywells are proposed in the rear yard to mitigate against increases in stormwater runoff due to approximately 3,585 square feet of impervious area.

Project Comments

1. As per the consultant’s January 16, 2014 report, proposed grading shall be shown on the Site Plan that directs stormwater runoff from the driveway away from the west face of the garage and to the north (away from the property to the south). This shall be clearly labeled with flow arrows and proposed contours/spot grades.
2. Modify Note 7 to, “All roof leaders from the existing house and new garage to be directed to the drywells.”
3. Show on the Detention Basin Drywell detail the depth of drywell from the invert to top of the structure.

TOWN CLERKS OFFICE

2014 APR 10 PM 1 42

TOWN OF ORANGETOWN

PB #14-07: Mundt Site Plan – Final Site Plan Approval Subject to Conditions- Critical Environmental Area/ Neg. Dec.

Town of Orangetown Planning Board Decision

March 26, 2014

Page 6 of 8

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

- Prior to the start of construction or grading, a soil and erosion control plan shall be developed and in place for the entire site that meets the latest edition of the New York State Guidelines for Urban Erosion and Sediment Control.
- There shall be no net increase in the peak rate of discharge from the site at all design points.

17. Based on the information provided the Rockland County Health Department (RCDOH) held that there are no RCDOH approvals needed for this application.

18. 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.

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

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

21. **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

TOWN CLERKS OFFICE

2014 APR 10 PM 1 42

TOWN OF ORANGETOWN

Town of Orangetown Planning Board Decision

March 26, 2014

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Continuation of Condition #21...

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 ¼ inch of plywood or boards, or equal over the area to be protected.

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

- 22.** All landscaping shown on the 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.
- 23.** Prior to the commencement of any site work, including the removal of trees, the applicant shall install the soil erosion and sedimentation control as required by the Planning Board. Prior to the authorization to proceed with any phase of the site work, the Town of Orangetown Department of Environmental Management and Engineering (DEME) shall inspect the installation of all required soil erosion and sedimentation control measures. The applicant shall contact DEME at least 48 hours in advance for an inspection.
- 24.** The contractor's trailer, if any is proposed, shall be located as approved by the Planning Board.
- 25.** If the applicant, during the course of construction, encounters such conditions as flood areas, underground water, soft or silty areas, improper drainage, or any other unusual circumstances or conditions that were not foreseen in the original planning, such conditions shall be reported immediately to DEME. The applicant shall submit their recommendations as to the special treatment to be given such areas to secure adequate, permanent, and satisfactory construction. DEME shall investigate the condition(s), and shall either approve the applicant's recommendations to correct the condition(s), or order a modification thereof. In the event of the applicant's disagreement with the decision of DEME, or in the event of a significant change resulting to the subdivision plan or site plan or any change that involves a wetland regulated area, the matter shall be decided by the agency with jurisdiction in that area (i.e. Wetlands - U.S. Army Corps of Engineers).

TOWN CLERKS OFFICE

2014 APR 10 PM 1 42

TOWN OF ORANGETOWN

**PB #14-07: Mundt Site Plan – Final Site Plan Approval Subject to
Conditions- Critical Environmental Area/ Neg. Dec.**

Town of Orangetown Planning Board Decision

March 26, 2014

Page 8 of 8

26. Permanent vegetation cover of disturbed areas shall be established on the site within thirty (30) days of the completion of construction.
27. Prior (at least 14 days) to the placing of any road sub-base, the applicant shall provide the Town of Orangetown Superintendent of Highways and DEME with a plan and profile of the graded road to be paved in order that these departments may review the drawings conformance to the approved construction plans and the Town Street Specifications
28. The Planning Board shall retain jurisdiction over lighting, landscaping, signs and refuse control.
29. 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.
30. The following agencies do not object to the Town of Orangetown Planning Board assuming responsibilities of lead agency for SEQRA purposes:
- Rockland County Department of Health
 - Rockland County Sewer District No. 1

The foregoing Resolution was made and moved by Bruce Bond and seconded by William Young and carried as follows: Kevin Garvey, aye; Bruce Bond, aye; William Young, aye; John Foody, aye; Michael Mandel, aye; Robert Dell, absent, 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 26, 2014

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



attachment

TOWN CLERKS OFFICE

2014 APR 10 PM 1 42

TOWN OF ORANGETOWN

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

**Mundt Site Plan: Final Site Plan Approval Subject to Conditions- Critical
Environmental Area**

**Town of Orangetown Planning Board Decision
March 26, 2014**

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: Mundt Site Plan: Final Site Plan Approval Subject to
Conditions- Critical Environmental Area**

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

DESCRIPTION OF ACTION : Site Plan Review - Critical Environmental Area
LOCATION: The site is located at 252 South Boulevard, in the Critical Environmental Area, Upper Grandview, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 66.17, Block 1, Lot 27 in the R-22 zoning district.

REASONS SUPPORTING THIS DETERMINATION:

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

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

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

For Further Information contact:

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

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

TOWN CLERKS OFFICE
2014 APR 10 PM 1 42
TOWN OF ORANGETOWN

PB #13-51: Organic Recycling Commercial Subdivision of Space –Final Approval Subject to Conditions

Town of Orangetown Planning Board Decision
March 26, 2014
Page 1 of 8

**TO: Donald Brenner, 4 Independence Avenue, Tappan,
New York 10983**

FROM: Orangetown Planning Board

RE: Organic Recycling – Outside Commercial Subdivision of Space Plan: The application of Organic Recycling, applicant, and Joseph Appleman/ Binnet Associates, owner, (Donald Brenner, attorney for the owner), for Final Outside Commercial Subdivision of Space Plan Review, at a site known as “**Organic Recycling – Outside Commercial Subdivision of Space Plan**”, in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21 of the Code of the Town of Orangetown. The site is located at 17A Route 303, Tappan, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 74.19, Block 1, Lot 3 in the LI zoning district.

Heard by the Planning Board of the Town of Orangetown at meetings held, **Wednesday, December 11, 2013 and March 26, 2014**, at which time the Board made the following determinations:

December 11, 2013

Donald Brenner, Sarah Torrence and Cassandra Lim appeared and testified for the applicant.

The Board received the following communications:

1. Project Review Committee Report dated December 4, 2013.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated December 11, 2013.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated December 5, 2013.
4. A letter from Rockland County Planning Department, signed by Thomas B. Vanderbeek, P.E., Commissioner of Planning, dated November 12, 2013.
5. A letter from Rockland County Department of Highways, signed by Sonny Lin, P.E., dated November 20, 2013, with attachments of letters from the Palisades Interstate Park Commission, signed by Karl Roecher, Landscape Architect, dated July 10, 2012 and May 23, 2013.
6. A letter from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated November 4, 2013.
7. A letter from the New York State Department of Transportation, signed by Mary Jo Russo, Rockland County Permit Engineer, dated December 2, 2013.

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8. Copies of the following Board Decisions: ACABOR #13-50, Approved as Presented; dated October 3, 2013 and PB #12-35, Preliminary approval of Outside Commercial Subdivision of Space, dated March 27, 2013.
9. Plans entitled Organic Recycling Outdoor Commercial Subdivision of Space, prepared by Jay Greenwell, PLS, dated November 30, 2012, revised March 29, 2013:

Sheet 1: Site Plan for Organic Recycling

Sheet 2: Site Plan for Organic Recycling

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

The applicant requested a **CONTINUATION**.

March 26, 2014

Donald Brenner, Sarah Torrence and Jay Greenwell appeared and testified for the applicant.

The Board received the following communications:

1. Project Review Committee Reports dated January 8 and March 19, 2014.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated January 15, March 19 and 26, 2014.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated March 20, 2014.
4. A copy of the Zoning Board of Appeals Decision #13-42, Outdoor Storage and Gravel Parking Area Variances Approved, dated June 5, 2013.
5. Plans entitled Organic Recycling Outdoor Commercial Subdivision of Space, prepared by Jay Greenwell, PLS, dated November 30, 2012:

Sheet 1: Site Plan for Organic Recycling, revised March 29, 2013

Sheet 2: Site Plan for Organic Recycling, revised February 4, 2014

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 William Young and seconded by John Foody and carried as follows: Kevin Garvey, aye; Bruce Bond, aye; William Young, aye; Robert Dell, absent; John Foody, aye; Michael Mandel, aye, and Thomas Warren, aye.

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

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1. The following note shall be placed on the Subdivision Plan: “At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a meeting.”
2. The following note shall be placed on the Subdivision Plan regarding Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.
3. The plan shall be revised to indicate that the Zoning Board of Appeals variances have been granted, (ZBA #13-42, Outdoor Storage and Gravel Parking Area, dated June 5, 2013).
4. The proposed drainage – oil/water separators are under review by DEME, however, the applicant shall consider check valves at the exhaust of the oil/water separators to prevent backflow through the system.
5. The applicant’s engineer shall develop a post construction maintenance plan for the oil/water separators. This plan shall be submitted to DEME for review and approval.
6. Rockland County Department of Planning had the following comments which are incorporated herein as conditions of approval:
 1. An updated review must be completed by the County of Rockland Drainage Agency and any required permits obtained.
 2. An updated review shall be done by the New York State Department of Transportation, and all required permits obtained.
7. Rockland County Department of Highway reviewed the plans and information submitted and found that the proposed action should have no foreseeable adverse impact upon the adjacent County Highway.
8. Rockland County Department of Health reviewed the information submitted and found that no Health Department approvals are needed for this application.

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9. Based upon Rockland County Drainage Agency (RCDA) evaluation of available mapping and information submitted, it has been determined that the parcel located at 117A Route 303, Tappan, is within RCDA jurisdiction. However, the current proposal, under review is for the subdivision of outside commercial space for contractor parking (existing area). Construction activity is not proposed at this time; therefore, a permit from the RCDA will not be required. If any future decisions or determinations are made by the Town of Orangetown regarding this parcel should indicate that it is within the within the jurisdiction of the RCDA and that a permit from the RCDA is required prior to any future proposed construction and/or land disturbance at this site.
10. The New York State Department of Transportation has reviewed the plans and information and offered the following comment:
- While on site grades were indicated on the plans, adjacent grades for the property of the Palisades Interstate Parkway shall also be shown to ensure no negative impacts to the drainage along the Parkway will result from the project. The NYS DOT is responsible for maintenance on the parkway.
11. The applicant shall comply with all pertinent items in the Guide to the Preparation of Subdivision Plans prior to signing the final plans.
12. All reviews and approvals from various governmental agencies must be obtained prior to stamping of the Subdivision Plan.
13. All of the conditions of this decision, shall be binding upon the owner of the subject property, its successors and /or assigns, including the requirement to maintain the property in accordance with the conditions of this decision and the requirement, if any, to install improvements pursuant to Town Code §21. Failure to abide by the conditions of this decision as set forth herein shall be considered a violation of Subdivision Plan Approval pursuant to Town Code §21 and §6A.
14. **TREE PROTECTION:** The following note shall be placed on the Subdivision Plan:
The Tree Protection and Preservation Guidelines adopted pursuant to Section 21-24 of the Land Development Regulations of the Town of Orangetown will be implemented in order to protect and preserve both individual specimen trees and buffer area with many trees. Steps that will be taken to reserve and protect existing trees to remain are as follows:
- a. No construction equipment shall be parked under the tree canopy.
 - b. There will be no excavation or stockpiling of earth underneath the trees.
 - c. Trees designated to be preserved shall be marked conspicuously on all sides at a 5 to 10 foot height.
 - d. The Tree Protection Zone for trees designated to be preserved will be established by one of the following methods:
 - One (1) foot radius from trunk per inch DBH
 - Drip line of the Tree Canopy. The method chosen should be based on providing the maximum protection zone possible. A barrier of snow fence

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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.

15. All landscaping shown on the plans shall be maintained in a vigorous growing condition throughout the duration of the use of this site. Any plants not so maintained shall be replaced with new plants at the beginning of the next immediately following growing season.
16. 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.
17. The contractor's trailer, if any is proposed, shall be located as approved by the Planning Board.
18. 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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19. Permanent vegetation cover of disturbed areas shall be established on the site within thirty (30) days of the completion of construction.
20. 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
21. The Planning Board shall retain jurisdiction over lighting, landscaping, signs and refuse control.
22. The applicant shall comply with all relevant and applicable conditions of all previous Board Decisions: ZBA #13-42, Outdoor Storage and Gravel Parking Area Variances Approved, dated June 5, 2013; ACABOR #13-50, Approved as Presented, dated October 3, 2013 and PB #12-35, Preliminary approval of Outside Commercial Subdivision of Space, dated March 27, 2013.

Overrides

The Board made a motion to override Conditions #1, #2, #5 and #6 of the November 12, 2013 letter from Rockland County Department of Planning, signed by Thomas Vanderbeek, Commissioner of Planning, for the following reasons:

- #1. The Palisades Interstate Park Commission raised several concerns and issues in their May 23, 2013 and July 10, 2013 letters regarding landscaping, runoff, buffer area, lighting and encroachments. These issues must be addressed. An updated review must be completed by the Palisades Interstate Park Commission, and all past and current concerns addressed.

The Board held that the applicant is not changing the landscaping plan and that no lighting is required at the site. The Board noted that this request was previously addressed and the Board was satisfied with the site design.

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

- #2. The landscaping proposed within the 10-foot buffer area should be further enhanced with evergreen plantings to help shield the storage areas from the Parkway, especially since the 20-foot buffer area is being reduced to 10 feet.

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The Board held that the 10 foot buffer was previously addressed and is sufficient. The Board noted that this request was previously overrode in PB #12-35, dated March 27, 2013.

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

#5. A lighting plan shall be provided that show fields of illumination. Lighting shall not shine beyond the property line or into the State highway. Though no new lighting is proposed, a lot of the vegetation that may block the field of illumination from shining into the Parkway will be removed, and therefore, may now shine into the State highway. The plans will help to determine if the existing lighting will impact the roadway, and if so, identify the locations where supplemental evergreen landscaping must be provided.

The Board held that the facility is an existing use and no new lighting will be installed. The Board noted that this request was previously overrode in PB #12-35, dated March 27, 2013.

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

#6. We are still concerned that an undisturbed vegetated 20 feet buffer is not being provided along the property line adjacent to the Palisades Interstate Parkway. The intent of this buffer is to not only protect the visual integrity of the Parkway, but to preserve the existing vegetation and root systems from damage due to adjacent construction/ on site activities. All buffer areas must be clearly delineated on the map, and on the deed so that future property owners are aware of this restriction, and all structures kept out of this buffer area. To prevent vehicles or stored supplies from infringing into the buffer, some type of barrier must be provided.

The Board held that the 10 foot buffer is sufficient and that they had previously addressed the buffer in PB #12-35 and that the Board overrode this request in PB #12-35.

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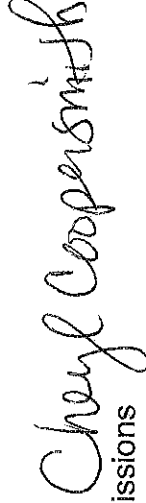
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A motion to override the condition was made and moved by William Young and seconded by Thomas Warren and carried as follows: Bruce Bond, aye; Kevin Garvey, aye; Robert Dell, absent; Michael Mandel, aye; Thomas Warren, aye; William Young, aye and John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

The foregoing Resolution was made and moved by Thomas Warren and seconded by Michael Mandel and carried as follows: Kevin Garvey, aye; Bruce Bond, aye; William Young, aye; John Foody, aye; Robert Dell, absent; Michael Mandel, 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 26, 2014
Cheryl Coopersmith
Chief Clerk Boards and Commissions
Town of Orangetown Planning Board



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