

Meeting of May 8, 2013
TOWN OF ORANGETOWN PLANNING BOARD

MEMBERS PRESENT: Kevin Garvey, Chairman; Bruce Bond; John Foody; Jeffrey Golda; Robert Dell and Michael Mandel

MEMBERS ABSENT: William Young

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

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

Continued Item from February 22, 2012 Meeting:
28 Route 303 Auto Parking Site Plan **Postponed to** **PB #12-02**
Prepreliminary/ Preliminary Site Plan **June 12th Meeting**
and SEQRA Review
77.15/1/44; CS zoning district

Continued Item from April 24, 2013 Meeting:
Sapienza Site Plan **Final Site Plan** **PB #13-18**
Final Site Review **Approval Subject**
Critical Environmental Area **to Conditions**
65.20/1/7; R-40 zoning district

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

Since there was no further business to come before the Board, a motion to adjourn the meeting was made by Michael Mandel and seconded by Bruce Bond and agreed to by all in attendance. The meeting was adjourned at 8:00 p.m. The next Planning Board meeting is scheduled for May 22, 2013.

DATED: May 8, 2013
Town of Orangetown Planning Board

Cheryl Coopersmith

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TO: Jorel Vaccaro, Dominick R. Pilla Associates; 23 Depew Avenue;
Nyack, New York 10960

FROM: Orangetown Planning Board

RE: The application of Joseph Sapienza, owner for Final Site Plan Review for a site to be known as "**Sapienza Site Plan**", in the Critical Environmental Area, 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 253 South Boulevard, Upper Grandview, Town of Orangetown, Rockland County, New York and as shown on the Orangetown Tax Map as Section 65.20, Block 1, Lot 7 in the R-15 zoning district.

Heard by the Planning Board of the Town of Orangetown at meetings held **Wednesday, April 24 and May 8, 2013**, at which time the Board made the following determinations:

April 24, 2013

Jorel Vacarro appeared and testified.

The Board received the following communications:

1. A Project Review Memo dated April 17, 2013.
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 April 24, 2013.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering, (DEME) Town of Orangetown, signed by Bruce Peters, P.E., dated April 18, 2013.
4. A letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated April 24, 2013.
5. A letter from the Rockland County Department of Planning, signed by Thomas Vanderbeek, Commissioner of Planning, dated April 3, 2013.
6. A letter from Rockland County Department of Highways, signed by Sonny Lin, P.E., dated April 12, 2013.
7. A letter from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated March 27, 2013.
8. A letter from Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer II, dated April 10, 2013.
9. A letter from Dominick R. Pilla Associates, signed by Jorel Vaccaro, dated April 18, 2013.

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10. Drainage Plans prepared by Dominic R. Pilla Associates, P.C., dated August 5, 2008
 D-01: Proposed Drainage Plan
 D-02: Predevelopment Drainage Plan
11. Site Plans prepared by Dominic R. Pilla Associates, dated August 26, 2008. Revised November 28, 2012:
 C-01: Proposed Site Plan
 C-02: Stormwater Details/ Erosion Control Notes
 C-03: Erosion Control Details
12. Copy of PB #08-59, Preliminary Site Plan Approval Subject to Conditions, dated October 28, 2009 and an Amendment to Preliminary Site Plan Approval Decision PB #08-58, dated December 14, 2009.

The Board reviewed the plans.

The applicant requested a **CONTINUATION**.

May 8, 2013

Jorel Vacarro appeared and testified.

The Board received the following communications:

1. A Project Review Memo dated May 1, 2013.
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 May 8, 2013.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering, (DEME) Town of Orangetown, signed by Bruce Peters, P.E., dated May 2, 2013.
4. A letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated May 8, 2013.
5. A letter from the Palisades Interstate Park Commission, signed by Karl B. Roecher, Landscape Architect, dated April 29, 2013.
6. Site Plans prepared by Dominick R. Pilla Associates, dated August 26, 2008. Revised November 28, 2012, **revised April 24, 2013:**

- C-01: Proposed Site Plan
- C-02: Stormwater Details/ Erosion Control Notes
- C-03: Erosion Control Details

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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 second by Michael Mandel and carried as follows: Bruce Bond, aye; Michael Mandel, aye; William Young, absent; Robert Dell, aye; John Foody, aye; Jeffrey Golda, aye and Kevin Garvey, aye.

REAFFIRMATION OF SEQRA

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

After having identified the relevant areas of environmental concern, namely drainage, surface water runoff, land clearing, vegetation, fauna, traffic and noise levels, and after having taken a hard look at said environmental issues, and after having deliberated regarding such concerns, and having heard from the applicant, the applicant's professional representatives, namely Dominick R. Pilla Associates, and the Town of Orangetown's engineering consultant, Brooker Engineering 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 Department of Planning, Rockland County Sewer District #1 and Rockland County Department of Highway, and having reviewed a proposed Site Plan by prepared by Dominick R. Pilla Associates, 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 John Foody and carried as follows: Bruce Bond, aye; Michael Mandel, aye; Robert Dell, aye; John Foody, aye; William Young, absent; Jeffrey Goida, aye and Kevin Garvey, aye the Board Reaffirmed the Negative Declaration pursuant to SEQRA.

DECISION: In view of the foregoing and the testimony before the Board, the application was GRANTED A FINAL SITE PLAN 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 comply with all previous applicable and pertinent Board conditions: Copy of PB #08-59, Preliminary Site Plan Approval Subject to Conditions, dated October 28, 2009 and an Amendment to Preliminary Site Plan Approval Decision PB #08-58, dated December 14, 2009.
4. The drainage calculations, for this proposed work shall be resubmitted to DEME for approval.
5. No disturbance is to take place within five feet of any property line, except as specified on the approved site plan.
6. Trees to be saved shall be protected with snow fencing to the drip line during construction. The Board specifically noted the 24 inch tulip tree located near the Northwest corner of the driveway.

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

- 1) A review must be completed by the Palisades Interstate Park Commission and their comments considered.
- 2) A review must be completed by the County of Rockland Department of Highway and any required permit obtained.
- 3) A review must be completed by the County of Rockland Department of Health and any required permit obtained.
- 4) 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.

8. The Drainage Consultant to the Planning Board, Brooker Engineering, reviewed the submitted drainage calculations and found that the application sufficiently demonstrates that potential significant adverse impacts with respect to drainage can be mitigated. The consultant *therefore* recommends that the Sapienza Site Plan be approved for drainage subject to the following Project Comments.

- Additional detail is needed at the northwest corner of the proposed addition and the existing swale. Hydrologic calculations shall be provided that calculate the 100-year discharge of the swale at this location. Calculations shall be provided that show the capacity of the swale and at least one foot of freeboard. Realignment of the swale shall be shown and calculations shall be provided that demonstrate that the swale will not erode. A Part Plan at a larger scale of the swale and the proposed building shall be provided.
- The Grading Plan shall include proposed grading in the rear yard that shows positive drainage away from the building. Top and bottom elevations of the proposed stonewall shall be added.
- A separate plan showing proposed conditions impervious areas that are intended to be directed to the drywell shall be provided. It is not clear if the roof leader downspouts from the existing structure are to be diverted to the drywell system. New impervious area from the driveway extension to the new garage shall be added. It is not clear what drainage area is being intercepted by the trench drain. The trench drain shall have a sump and hood over the outlet pipe to minimize debris from entering the drywells.
- Drainage calculations on Drawing C-02 appear to utilize the Westchester Method for drywell design. The calculations shall be revised to follow the published guidelines of the Westchester Method. The drywells have a low flow orifice; this is not typically included for this methodology. If the low flow outlets are to remain, calculations shall be provided that show the hydrograph routing for the 2-year, 10-year, 25-year, and 100-year 24-hour rainfall design storms and show no net increase in peak runoff rates for these design storms.

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Continuation of Condition #8...

- The drywell calculations shall only utilize the depth of drywell to the overflow outlet in the available storage calculations. Calculations for the size of void spaces of the stone surrounding the drywells shall be included.
- The drainage consultant recommends relocating the two drywells uphill, closer to the garage. Overflows from the drywells can then flow overland to the existing swale south of the driveway. The overflow path shall be clearly indicated on the Site Plan. This will eliminate disturbances along the driveway. There appear to be several trees on the site in the vicinity of the drywells that are not shown on the Site Plan; these trees and vegetation would have to be removed as a result of the drywells and drainage pipe as currently shown.
- The Stone Wall Detail shows 4" diameter weeping pipes extending beyond the face of the wall. These pipes shall be shown on the Site Plan. The size of the stone shall be shown on the detail.

9. Rockland County Department of Highways reviewed the plans and offered the following comment:

- Based upon the information provided, the design as shown will have no foreseeable adverse effect upon County Highways in the area.

10. All necessary Rockland County Department of Health approvals for this site have previously been granted.

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. The Palisades Interstate Park Commission has reviewed the Site Plan and offered the following comments:

- The applicant shall use non-invasive plant material for any landscaping that is provided.
- Based on the site topography and location of proposed structures, this proposal should not have any significant adverse visual impact upon nearby park resources.

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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.

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

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

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Other:

A motion was made to waive the applicant's need to appear in front of the Town of Orangetown Architecture and Community Appearance Board of Review.

The Board held that the project is an addition that matches in material and design to an existing structure, all existing landscaping is to remain and no significant vegetation is to be removed and the proposed architectural plans for the addition have been reviewed by the Planning Board at the Preliminary Review on October 28, 2009. The motion was made by Robert Dell and second by John Foody and carried as follows: Bruce Bond, aye; Kevin Garvey, aye; Michael Mandel, aye; William Young, absent; John Foody, aye; Robert Dell, aye and Jeffrey Golda, aye.

The foregoing Resolution was made and moved by Bruce Bond and seconded by John Foody and carried as follows: Bruce Bond, aye; Kevin Garvey, aye; Michael Mandel, aye; William Young, absent; John Foody, aye; Robert Dell, aye and Jeffrey Golda, 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: May 8, 2013

Planning Board OBZPAE RC Planning HDR Supervisor
Env. Mgt. Eng. PRC

Cheryl Carpenter
Town Board RC Drainage Assessor Town Attorney
RC Highway

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