

**Meeting of November 12, 2014
Town of Orangetown Planning Board**

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

MEMBERS ABSENT: None

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

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

Continued from October 8, 2014:

Jay and Joe Construction	PB #14-39
LLC Subdivision Plan Prepreliminary/ Preliminary Subdivision Plan and SEQRA Review	Continued: at the Applicant's request:
69.17/1/76; RG zoning district	Review design of Subdivision

New Items:

23 Rockland Park Road Conditional Use Permit	PB #14 - 47
Conditional Use Permit Review	Granted Conditional
Prepreliminary/ Preliminary/ Final	Use Permit and
and SEQRA Review	Final Approval Subject to
77.16/1/32; LIO zoning district	Conditions/ Neg. Dec.

50 Ramland Road Wireless Communication	PB #14 - 48
Facility Site Plan Review	Continued at the Applicant's
and Special Permit	Request: Submit additional
Prepreliminary/ Preliminary Site Plan Review,	Information and needs
Special Permit and SEQRA Review	Drainage
73.20/1/30; LIO zoning district	

Other Business: The Board further discussed an item reviewed at the October-8, 2014 Planning Board Meeting regarding the need for projects located in the Critical Environmental Area to appear in front of the Planning Board when removing trees, repairs or improvements to the properties. The Board discussed the conditions for the removal of trees (i.e. dead or dying trees vs. alive trees) and the number of trees that could be removed. The Board determined that if a tree was dying or dead, up to 9 trees could be removed and if alive, no more than 6 trees, however, that number was not fixed and still remained up to the discretion of the Building Inspectors.

Further, the Board held that the Building Department still had the authority to make the determination if the impact was significant enough to warrant review by the Planning Board. The Planning Board gave the authority to the Building Inspectors to review sites in the Critical Environmental Area based upon their knowledge and process any the Building Permits.

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The Board reviewed a specific site regarding the removal of dying and dead trees in the Critical Environmental Area; Section 66.17, Block 1, Lot 10, 21 Shadyside Avenue, Upper Grandview. The Board determined that the Building Department had the authority to process the application and that it did not warrant Board review.

The decisions of the October 22, 2014 Planning Board Meeting was reviewed, edited, and approved. The motion for adoption was made and moved by Michael Mandel and seconded by Bruce Bond and carried as follows: William Young, aye; Kevin Garvey, aye, Thomas Warren, aye, Robert Dell, aye; Bruce Bond, aye; Michael Mandel, aye and Stephen Sweeney, abstain.

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

Since there was no further business to come before the Board, a motion to adjourn the meeting was made by Bruce Bond and seconded by William Young and agreed to by all in attendance. The meeting was adjourned at 8:40 p.m. The next Planning Board meeting is scheduled for December 10, 2014.

DATED: November 12, 2014
Cheryl Coopersmith
Chief Clerk Boards and Commissions



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**PB #14-47: 23 Rockland Park Road Conditional Use Permit
Granted and Final Approval Subject to Conditions/Neg. Dec.**

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TO: Thomas Schiavone 9 South 3rd Street, Park Ridge, New Jersey, 07656
FROM: Orangetown Planning Board

RE: 23 Rockland Park Road Conditional Use Permit: The application of Thomas Schiavone, applicant, for Howard Dean, owner, for a Conditional Use Permit Review; Prepreliminary/ Preliminary/ Final Review, at a site known to be known as **"23 Rockland Park Road Conditional Use Permit"**, 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 pursuant to Chapter 43, Section 8.1 of the Town of Orangetown Zoning Code, 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 23 Rockland Park Road, Tappan, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 77.16, Block 1, Lot 32 in the LIO zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, November 12, 2014**, at which time the Board made the following determination:

Thomas Schiavone appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated November 5, 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 November 12, 2014.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., November 6, 2014.
4. A letter from the Rockland County Department of Planning, signed by Douglas J. Schuetz, Acting Commissioner of Planning, dated November 5, 2014
5. A letter from the Rockland County Department of Highways, signed by Sonny Lin, P.E., dated November 6, 2014.
6. Letters from the Rockland County Department of Health, signed by Scott McKane, dated October 20, 2014.
7. A letter from the Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer II, dated October 23, 2014.
8. A letter from the Town of Orangetown Zoning Board of Appeals, signed by Dan Sullivan, Chairman, dated October 15, 2014.
9. Short Environmental Assessment Form signed by Thomas Schiavone, dated September 30, 2014.
10. A copy of Town of Orangetown Chapter 43. Zoning, Article VIII, Conditional Use Standards, Section 8.1. General Conditions and Standards.
11. Copy of a Site Plan noting the location of the warehouse within the larger structure on the site and a site plan of the entire project site.

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The Board reviewed the Plan

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: Kevin Garvey, aye; Bruce Bond, aye; Michael Mandel, aye; William Young, aye; Robert Dell, aye; Thomas Warren, aye and Stephen Sweeney, aye.

The proposed action is classified as an "unlisted action" as defined by Section 617.2 (ak) of the New York State Environmental Quality Review Regulations (SEQRR). No agency, other than the Orangetown Planning Board will have any significant involvement in the review process, pursuant to Section 617.6 of SEQRA. On motion by Bruce Bond and seconded by Thomas Warren and carried as follows: Kevin Garvey, aye; Bruce Bond, aye; Michael Mandel, aye; William Young, aye; Robert Dell, aye; Thomas Warren, aye, and Stephen Sweeney, aye, the Board declared itself Lead Agency.

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

After having identified the relevant areas of environmental concern, namely drainage, surface water runoff, land clearing, vegetation, fauna, traffic and noise levels, and after having taken a hard look at said environmental issues, and after having deliberated regarding such concerns, and having heard from the applicant 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 Department of Highways, 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;

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

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

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

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

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In addition, the Approval is Subject to the Following Conditions:

1. Performance Standards review and approval is required by the Town of Orangetown Zoning Board of Appeals.
2. The applicant shall provide a detailed written description of the business operations.
3. All accessory storage shall be within the building.
4. Since no land disturbance or construction is proposed, no permits are required. However, if the applicant changes the proposal so that land disturbance or construction is to occur, then a permit will be required from the Rockland County Drainage Agency as well as from the U.S. Army Corps of Engineers and the New York State Department of Environmental Conservation.
5. Based upon the information and plans provided the Rockland County Department of Highways found the property location is more than 500 feet from any county road, and the action will have minimum foreseeable adverse impact upon any county road in the area. A Rockland County Highway Department Work Permit and Performance Standards review are not required for the proposed development.
6. The Rockland County Department of Health reviewed the plan for Conditional Use Permit and found that no Rockland County Health Department approvals are needed for this application.
7. Rockland County Sewer District does not object to the plan as shown. This project does not affect any sanitary sewers within the District and it requests no future correspondence for this site.
8. 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 Highways
 - Rockland County Department of Health
 - Rockland County Sewer District No. 1

The foregoing Resolution was made and moved by Bruce Bond and seconded by Thomas Warren and carried as follows: Kevin Garvey, aye, Bruce Bond, aye; Robert Dell, aye; Michael Mandel, aye; Thomas Warren, aye; William Young, aye and Stephen Sweeney, 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: November 12, 2014
Cheryl Coopersmith
Chief Clerk Boards and Commissions
attachment

Cheryl Coopersmith

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

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: 23 Rockland Park Road Conditional Use Permit
Granted and Final Approval Subject to Conditions/Neg. Dec.**

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

DESCRIPTION OF ACTION: Conditional Use Permit and Final Approval
Subject to Conditions/Neg. Dec.

LOCATION: The site is located at 23 Rockland Park Road, Tappan, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 77.16, Block 1, Lot 32 in the LIO zoning district.

REASONS SUPPORTING THIS DETERMINATION:

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

The project will not have a significant impact upon the environment and a DEIS need not be prepared because the proposed action does not significantly affect air quality, surface or ground water quality, noise levels or existing external traffic patterns. In addition, it will have no impact upon the aesthetic, agricultural or cultural resources of the neighborhood. No vegetation, fauna or wildlife species will be affected as a result of this proposed 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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