

**Meeting of November 9, 2015
Town of Orangetown Planning Board**

MEMBERS PRESENT: Kevin Garvey, Chairman; Bruce Bond, Vice Chairman
Thomas Warren; Michael Mandel and Stephen Sweeney,

MEMBERS ABSENT: Robert Dell and 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:

Items:

7 Welles Lane Site Plan **PB #15-53**
Pool Site Plan/ Critical Environmental Area **Continued:**
258 South Boulevard Subdivision **Revise Plans**
Prepreliminary/ Preliminary/
Final Site Plan and SEQRA Review
7 Welles Lane, Nyack
66.17/1/25.2; R-40 zoning district

Orlando Site Plan **PB #15-54**
Replacement of Retaining Wall Plan/
Critical Environmental Area **Final Site Plan**
Prepreliminary/ Preliminary/ Final Site Plan **Approval Subject**
and SEQRA Review **to Conditions**
1150 Route 9W, Nyack **Neg. Dec.**
71.05/1/9; R-22 zoning district

Sisters of St. Dominic of Blauvelt **PB #15-55**
Subdivision Plan **Preliminary Approval**
Prepreliminary/ Preliminary/ **Approval Subject**
Final Subdivision Plan **to Conditions**
and SEQRA Review **Neg. Dec.**
496 Western Highway, Blauvelt
74.06/3/ 1.1 & 1.3; R-40 zoning district

Continued Items from the October 26, 2011 Meeting

Bailey's Smoke House Resubdivision Plan **PB #11-49**
Prepreliminary/ Preliminary/ **Continued:**
Final Resubdivision Plan **Needs Drainage**
and SEQRA Review
132 and 136 Erie Street, Blauvelt
70.14/4/ 5 & 6; CS zoning district

Bailey's Smoke House Site Plan **PB #11-50**
Prepreliminary/ Preliminary Site Plan **Continued:**
and SEQRA Review **Revise Plans**
132, 136 & 140 Erie Street, Blauvelt **Needs Drainage**
70.14/4/ 5, 6 & 7; CS zoning district

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Other Business:

1. The Board reviewed and approved with changes a Lighting Plan submitted by Lennar Corporation, the developer of the Route 9w Golf Subdivision, as required by the Board at its September 9th Planning Board Decision, PB #15-45.

The Board requested that **two additional lights be added to the plan, one in the Cud-de-Sac and one at the entrance to the Subdivision.**

2. The Board recommended the Value and Term of the Walgreens Performance Bond to the Town Board as established by the Town of Orangetown Department of Environmental Management and Engineering letter of November 9, 2015, signed by Bruce Peters, P.E., see attached Recommendation.

The decisions of the October 28, 2015 Planning Board Meeting was reviewed, edited, and approved. The motion for adoption was made and moved by Stephen Sweeney and seconded by Michael Mandel and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, aye; Michael Mandel, aye, William Young, absent; Robert Dell, absent; Stephen Sweeney, aye and Thomas Warren, 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 Stephen Sweeney and seconded by Michael Mandel, and agreed to by all in attendance. The meeting was adjourned at 9:00 p.m. The next Planning Board meeting is scheduled for December 9, 2015.

**DATED: November 9, 2015
Cheryl Coopersmith
Chief Clerk Boards and Commissions**



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TO: Alex Adamo, Pro Cut Lawns, Landscaping & Contracting, Inc. 11
Pineview road, West Nyack, New York 10994

FROM: Orangetown Planning Board

RE: Orlando Site Plan: The application of Dan Orlando, owner, for a **Replacement of a Retaining Wall Plan**, at a site located in the Critical Environmental Area, for Prepreliminary/ Preliminary/ Final Site Plan Review at a site known as “**Orlando Site Plan**”, in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21A of the Code of the Town of Orangetown. The site is located at 1150 Route 9W, Nyack, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 71.05, Block 1, Lot 9 in the R-22 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held, **Monday, November 9, 2015** at which time the Board made the following determinations:

Alex Adamo and Daniel Orlando appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated November 4, 2015.
2. An Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated November 9, 2015.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated November 5, 2015.
4. A letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated November 5, 2015.
5. A letter from the Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning dated November 6, 2015.
6. Letters from the Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated October 21, 2015
7. A letter from the Rockland County Department of Highways, signed by Sonny Lin, P.E., dated November 9, 2015.

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8. A letter from the Rockland County Sewer District No.1, signed by Joseph LaFiandra, Engineer II, dated October 20, 2015.
9. A letter from the Town of Orangetown Zoning Board of Appeals signed by Patricia Castelli, Acting Chair, dated October 21, 2015.
10. A Short Environmental Assessment Form, dated October 5, 2015, signed by Daniel Orlando.
11. A copy of the Building Department Referral, dated August 12, 2015.
12. Site Plan prepared by Atzl, Nasher & Zigler, dated September 24, 2015.

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

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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, Nasher & 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 Sewer District No. 1, Rockland County Department of Health, Rockland County Department of Highways, and having reviewed the Site Plan and Retaining Wall Plan, Details and Notes, 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.

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On motion by Bruce Bond and seconded by Michael Mandel and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, aye; William Young, absent; Robert Dell, absent; Michael Mandel, aye; Stephen Sweeney, 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 **Final Site Plan Approval Subject to the Following Conditions:**

1. The applicant shall contact the Town of Orangetown Building's Department prior to any work on the project site. In addition, 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. All utilities shall be shown on the Site Plan.
4. An erosion and sediment control plan shall be submitted.
5. The "UP" shown on the Site Plan shall be described by a note on the plan as to its present use.
6. The Short Environmental Assessment Form appears to be in order.
7. The total amount/area of disturbance shall be listed on the plan.
8. All existing sanitary sewer house connection/ septic system shall be shown on the plan.

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9. A level spreader or other acceptable devices shall be added to the end of the proposed 4 inch perforated PVC drain line.

10. Soil erosion and sediment control plans and details shall be added to the plans.

11. The referenced benchmark elevations shall be added to Note #7. Also, a more accurate location of the referenced benchmark shall be added to Note #7.

12. The page and liber or instrument number, as well as ownership for all easements/ dedications shall be given on the plans.

13. Drainage Review Recommendation

The plans shows no additional impervious area is proposed and the existing drainage pattern is being maintained. Any potential significant adverse impacts with respect to stormwater runoff have been mitigated and the Planning Board's Drainage Consultant, Brooker Engineering, therefore recommends that the Orlando Site Plan be approved for drainage subject to the following comments:

This is the first drainage review report to the Planning Board for this site plan, which is located at 1150 Route 9W. The property is located on the west side of Route 9W and the project consists of the replacement of an existing railroad tie retaining wall with a block gravity retaining wall. The land slopes downhill to the east, and the retaining wall has a maximum exposed height of seven feet. The total length of the retaining wall is about 175 feet and a detailed profile of the wall is included on Drawing 2. The wall is located in a cut area, with the higher side of the retaining wall along the west (uphill) property line.

The existing drainage pattern is being maintained and no new impervious areas are proposed. Drawing 2 requires inspections and as-built certification of the retaining wall by a licensed professional engineer. Stormwater runoff from the upper hillside has been designed by the applicant's engineer to sheet flow over the retaining wall.

Project Comments

1. The underdrain outlets to a proposed riprap pad near the north property line. Details for the riprap pad shall be provided and the distance to the property line shall be shown on the plan. The plans shall indicate that water from the underdrain will be dispersed prior to following the natural drainage pattern, which will result in this water ultimately crossing the north property line.

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Continuation of Condition #13....

2. A Sediment and Soil Erosion Control Plan shall be prepared.
3. There is an existing swale along the northern limits of the retaining wall which may be blocked by the new retaining wall, creating a damming effect. This swale conveys runoff from the uphill property. The survey shall be updated to show this swale and how it will be impacted by the proposed wall. Additional detail in this area is needed to show how runoff in this swale will be conveyed around or over the wall.

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

- A review shall be completed by New York State Department of Transportation and all required permits obtained.
- 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.

15. The Rockland County Department of Highways reviewed the submitted information had held that the proposed replacement of retaining wall plan would not have adverse effect on the adjacent county highways. The location of the parcel lies over 500 feet of county road and a RCHD Work Permit will not be required for this development.

16. The Rockland County Department of Health held that there are approvals required for this application.

17. 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.

18. 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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19. 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
- Rockland County Department of Highways

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

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

22. 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.

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Continuation of Condition #22...

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.

23. 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.

24. 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.

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

26. 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).

27. 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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28. 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

29. 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 Thomas Warren and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, aye; William Young, absent; Michael Mandel, aye; Thomas Warren, aye; Robert Dell, absent and Stephen Sweeney, 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: November 9, 2015
Cheryl Coopersmith
Chief Clerk Boards and Commissions**



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

**PB #15-54: Orlando Site Plan – Retaining Wall – Final Approval Subject to
Conditions- Critical Environmental Area/ Neg. Dec.**

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: Orlando Site Plan – Retaining Wall – Final Approval
Subject to Conditions- Critical Environmental Area/ Neg. Dec.**

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

DESCRIPTION OF ACTION: Site Plan – Critical Environmental Area

LOCATION: The site is located at 1150 Route 9W, Nyack, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 71.05, Block 1, Lot 9 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

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PB#15-55: Sisters of Saint Dominic of Blauvelt Subdivision Plan – Preliminary Approved with Conditions/ Neg. Dec.

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TO: Michael Dempsey, Sisters of Saint Dominic of Blauvelt, 470
Western Highway, Orangeburg, New York 10962

FROM: Orangetown Planning Board

RE: Sisters of Saint Dominic of Blauvelt Subdivision Plan: The application of Dominican Sisters of Blauvelt, owner, for Prepreliminary/ Preliminary/ Final Subdivision Plan Review, at a site to be known as “**Sisters of Saint Dominic of Blauvelt 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 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 496 Western Highway, Blauvelt, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 74.06, Block 3, Lots 1.1 & 1.3 in the R-40 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Monday, November 9, 2015**, the Board made the following determinations:

Joseph Corless, Brian Quinn, Michael Dempsey, and Sister Catherine Sullivan appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated November 4, 2015.
2. An Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated November 9, 2015.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated November 5, 2015.
4. A letter from the Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, dated November 6, 2015.
5. A letter from the Rockland County Department of Highways, signed by Sonny Lin, P.E., dated 9, 2015.
6. A letter from the Rockland County Sewer District No.1, signed by Joseph LaFiandra, Engineer II, dated October 20, 2015.
7. Letters from the Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated October 21, 2015.
8. A letter from the Town of Orangetown Zoning Board of Appeals, signed by Patricia Castelli, Acting Chairperson, dated October 21, 2015.

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9. A Short Environmental Assessment Form, signed by Sr. Catherine Howard, Ph.D. OP, President of the Order, dated October 1, 2015.
10. Subdivision Plan prepared by Corless and Associates, dated October 1, 2015.
11. Submitted at the meeting by the applicant, a copy of the filed subdivision plat of the project site, filed on July 16, 2005, and the current proposed subdivision plan, noting the proposed subdivision highlighted in yellow.

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

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

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

After having identified the relevant areas of environmental concern, namely drainage, surface water runoff, land clearing, vegetation, fauna, traffic and noise levels, and after having taken a hard look at said environmental issues, and after having deliberated regarding such concerns, and having heard from the applicant, the applicant's professional representatives, namely Corless and Associates and having heard from the following offices, officials and/or Departments: (Town of Orangetown): The Office of Building, Zoning, Planning Administration and Enforcement and Department of Environmental Management and Engineering; and having heard from the following involved and interested

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agencies: Town of Orangetown Zoning Board of Appeals, Rockland County Sewer District No.1, Rockland County Department of Health, Rockland County Highway, and having reviewed proposed Subdivision Plan by prepared by namely Joseph Corless and 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;
- 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, Chairman, aye; Bruce Bond, Vice Chairman, aye; Michael Mandel, aye; William Young, absent; Robert Dell, absent; Thomas Warren, aye and Stephen Sweeney, aye, the Board made a Negative Declaration pursuant to SEQRA.

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

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1. The application is for a Resubdivision of existing property for transfer of title and not for development at this time.
2. Show existing lot lines "to be eliminated" on Lot #1.
3. A Zoning Board of Appeals variances needs to be sought for the rear yard setback on Lot #1. A minimum of 100 feet is required and 30.0 feet is proposed.
4. The Short Environmental Assessment Form appears to be in order.
5. The lot numbers appear to be in error, i.e. multiple lot #3s, this shall be corrected.
6. The page and liber or instrument number, as well as ownership for all easements/ dedications shall be given on the plans.
7. A note shall be added to the plan that no construction is planned as part of this subdivision application, i.e. this specific plan is for lot line change only.
8. Rockland County Department of Planning had the following comments which are incorporated herein as conditions of approval:
 - A review must be completed by the County of Rockland Department of Highways and all required permits obtained.
 - As required by the Rockland County Stream Control Act, the subdivision plan must be reviewed and signed by the Chairman of the Rockland County Drainage Agency before the County Clerk can accept the plan to be filed.
 - There is currently a macadam drive serving the newly configured Lot #2. Access is provided via the internal drive off of Western Highway. An access easement for Lot #2 must be provided over Lot #3.
9. The Rockland County Department of Highways reviewed the plans and found that the project as submitted should not have adverse effect on adjacent county highways. Rockland County Subdivision Permit will be required for the proposed development before any construction on site.

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10. The Rockland County Health Department (RCDOH) reviewed the information provided and has no comment on the proposed subdivision.

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

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

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

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

15. 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.

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

- 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.

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

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

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

20. If the applicant, during the course of construction, encounters such conditions as flood areas, underground water, soft or silty areas, improper drainage, or any other unusual circumstances or conditions that were not foreseen in the original planning, such conditions shall be reported immediately to DEME. The applicant shall submit their recommendations as to the special treatment to be given such areas to secure adequate, permanent and satisfactory construction. DEME shall investigate the condition(s), and shall either approve the applicant's

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Continuation of Condition #20...

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).

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

22. Prior (at least 14 days) to the placing of any road sub-base, the applicant shall provide the Town of Orangetown Superintendent of Highways and 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

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

Override

The Board made a motion to override Condition #4 of the November 6, 2015 letter from Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning, for the following reason:

"#3. We recommend that tax parcel 74.06-3-1.2, which is currently owned by Dominican College of Blauvelt, be merged with the new Lot #3, which is to be transferred to Dominican College. This will eliminate the old configuration of Lot #3, which will result from the proposed subdivision."

The Board held that there was no need to merge the two lots since the proposed subdivision was for financial reasons only.

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

The foregoing Resolution was made and moved by Stephen Sweeney seconded by Michael Mandel and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, aye; Michael Mandel, aye; William Young, absent; Robert Dell, absent; Thomas Warren, aye and Stephen Sweeney, 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: November 9, 2015
Cheryl Coopersmith
Chief Clerk Boards and Commissions
attachment

Cheryl Coopersmith
TOWN CLERK'S OFFICE
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**NEGATIVE DECLARATION
Notice of Determination of Non-Significance
Town of Orangetown Planning Board Decision**

**PB#15-55: Sisters of Saint Dominic of Blauvelt Subdivision Plan -
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**Town of Orangetown Planning Board Decision
November 9, 2015**

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: Sisters of Saint Dominic of Blauvelt Subdivision Plan

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

DESCRIPTION OF ACTION: Subdivision Plan

LOCATION: The site is located at 496 Western Highway, Blauvelt, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 74.06, Block 3, Lots 1.1 & 1.3 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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**OTHER BUSINESS: Walgreens Site Plan – Performance Bond
Recommendation to the Orangetown Town Board**

**Town of Orangetown Planning Board Recommendation
November 9, 2015**

Heard by the Planning Board of the Town of Orangetown at a meeting held **Monday, November 9, 2015**, at which time the Board made the following **Recommendation**:

The Board received the following communication:

1. An interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated November 9, 2015.

RECOMMENDATION: In view of the foregoing, the Planning Board **RECOMMENDS TO THE TOWN OF ORANGETOWN TOWN BOARD** that the value and term of the Performance Bond be established in accordance with the Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated November 9, 2015.

The term of the Performance Bond shall not exceed two (2) years as set forth in Section 21A-10 of the Town of Orangetown Town Code, which shall be on or before November 9, 2017, and Subject to the Following Conditions:

<u>ITEM</u>	<u>COST</u>
Shoulder	\$ 18,000.00
Concrete Curbing	16,750.00
Concrete Sidewalk	13,825.00
Monumentation	2,100.00
As-Built Drawings	3,600.00
Storm Drainage	38,885.00
Soil Erosion & Sediment Control	24,800.00
	<u>Sub-Total \$ 147,185.00</u>
Administrative Close-out (20% of Sub-Total)	\$ 29,437.00
Total Bond Amount	\$ 176,662.00

Inspection Fee:

(3% of Sub-Total of Original bond amount) \$ 4,415.55

To be submitted to DEME prior to the onset of construction.

All Bonds are to conform to current town regulations.

Dated: November 9, 2015
Planning Board Town of Orangetown

Cheryl Cooper Smith

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