

Meeting of October 14, 2015
Town of Orangetown Planning Board

MEMBERS PRESENT: Kevin Garvey, Chairman; Bruce Bond, Vice-Chairman; Stephen Sweeney; William Young; Thomas Warren and Robert Dell (arrived 7:38)

MEMBERS ABSENT: Michael Mandel

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:

Kennedy Deck Plan Critical Environmental Area Prepreliminary/ Preliminary/ Final Site Plan and SEQRA Review 815 Route 9W, Upper Grandview 75.05/1/7.1; R-22 zoning district	Final Site Plan Approval Subject to Conditions Neg. Dec.	PB #15-47
The Hollows at Blue Hill Site Plan Site Plan Amendment Placement of Entrance Signs Prepreliminary/ Preliminary/ Final Site Plan and SEQRA Review 500 Veterans Highway, Pearl River 73.05/1/53; PAC zoning district	Postponed	PB #15-48
Miller Minor Subdivision Request for Two 90 Day Extensions to File the Subdivision Plat with the Rockland County Clerk's Office 238 West Crooked Hill Road, Pearl River 68.11/3/16; R-15 zoning district	Granted Two 90 Day Extensions to File the Subdivision Plat with the Rockland County Clerk's Office	PB #15-49
319 Blauvelt Road Minor Subdivision Plan Prepreliminary/ Preliminary Subdivision Plan and SEQRA Review 319 Blauvelt Road, Pearl River 69.09/5/74; R-15 zoning district	Preliminary Subdivision Approval Subject to Conditions Neg. Dec.	PB #15-50

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TOWN CLERKS OFFICE

**Meeting of October 14, 2015
Town of Orangetown Planning Board**

Continued Item from September 18, 2013

28 Route 303 Auto Site Plan

Prepreliminary/ Preliminary Site Plan
and SEQRA Review

28 Route 303, Tappan/

Route 303 Overlay Zone

77.15/1/44; CS zoning district

PB #12-02

**Continued - Applicant
Needs to Clean
Property Prior to
Returning to Board**

Other Business:

1. Referral from the Town of Orangetown Zoning Board of Appeals – Lead Agency Request. Linda Kupferschmid, 115 Route 303, Tappan. Appearing at ZBA for a Use Variance, Section 77.07, Block 2, Lot 1; in the LO zoning district. The Board consented to the Zoning Board as Lead Agency.
2. Referral from the Town of Orangetown Town Board – Proposed Zone Change for Tax Map Section 70.15, Block 1, Lot 45 from R-15 to CC, and a portion of Tax Map Section 70.15, Block 1, Lot 46. The Board consented to the Town Board as Lead Agency.

The decisions of the September 9, 2015 Planning Board Meeting was reviewed, edited, and approved. The motion for adoption was made and moved by Stephen Sweeney and seconded by Thomas Warren and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, aye; Michael Mandel, absent, William Young, aye; Robert Dell, aye; 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 Thomas Warren and seconded by Bruce Bond and agreed to by all in attendance. The meeting was adjourned at 8:05 p.m. The next Planning Board meeting is scheduled for Wednesday, October 28, 2015.

**DATED: October 14, 2015
Cheryl Coopersmith
Chief Clerk Boards and Commissions
Town of Orangetown Planning Board**

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**PB #15-47: Kennedy Deck Plan – Final Approval Subject to Conditions-
Critical Environmental Area/ Neg. Dec.**

**Town of Orangetown Planning Board Decision
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TO:
FROM: Orangetown Planning Board

RE: Kennedy Deck Plans: The application of Jeanine Kennedy, owner, for Prepreliminary/ Preliminary/ Final Site Plan Review, at a site to be known as “**Kennedy Deck Plans**”, located 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 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 815 Route 9W, Upper Grandview, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 75.05, Block 1, Lot 7.1; in the R-22 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held, **Wednesday, October 14, 2015** at which time the Board made the following determinations:

Jeanine Kennedy appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated October 7, 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 October 14, 2015.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated October 7, 2015.
4. A letter from the Rockland County Department of Planning, signed by Douglas Schuetz, Acting Commissioner of Planning dated September 29, 2015.
5. Letters from the Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated September 17, 2015
6. A letter from the Rockland County Department of Highways, signed by Sonny Lin, P.E., dated October 13, 2015.
7. A letter from the Rockland County Sewer District No.1, signed by Joseph LaFiandra, Engineer II, dated October 8, 2015.
8. A letter from the Town of Orangetown Zoning Board of Appeals signed by Daniel Sullivan, Chairman, dated September 16, 2015.
9. A letter from the New York State Department of Transportation, signed by Joseph Taylor, Permit Engineer, Rockland County Residency, dated October 2, 2015.

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10. A Short Environmental Assessment Form, dated September 10, 2015, signed by Jeanine Kennedy.
11. A copy of the Building Department Referral, dated July 2, 2015.
12. Architectural Plans prepared by Robert Hoene, R.A., dated March 5, 2015, last revision date of January 15, 2015:
 - A1.0: Site Plan, Elevation and Sections
 - A2.0: Foundation Plan & Floor Plan at New Deck
13. Photographs of the Site noting location of the placement of the proposed deck.

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 Thomas Warren and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, aye; William Young, aye; Robert Dell, absent; Stephen Sweeney, aye; Michael Mandel, absent 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, Chairman, aye; Bruce Bond, Vice Chairman, aye; William Young, aye; Robert Dell, absent; Stephen Sweeney, aye; Michael Mandel, absent 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 Robert Hoene, R.A., 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, New York State Department of Transportation 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 Thomas Warren and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, aye; William Young, aye; Robert Dell, absent; Michael Mandel, absent; 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 a 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. The plans shall identify any utilities in the proposed construction area such as septic system; drain lines, etc., if applicable.
4. The Short Environmental Assessment Form appears to be in order.
5. All existing easements and dedications shall be shown on the Site Plan.
6. The applicant/ applicant's engineer shall describe what is to be done to the existing grade/ ground surface, below the proposed decks.
7. The location of the existing sanitary house connection/ septic system shall be shown on the Site Plan.

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

- 1) A review shall be completed by the New York State Department of Transportation and all required permits obtained.**
 - 2) The Villages of Grand View-on-Hudson and Piermont are two of the reasons this proposal was referred to Rockland County Department of Planning for review. The municipal boundary for Grand View-on-Hudson is along the eastern boundary of the subject site; and approximately 300 feet north of the subject property line. As required under Section 239nn of the State General Municipal Law, the Village of Grand View-on-Hudson and Piermont must be given the opportunity to review the proposed subdivision and provide any concerns related to the project to the Town of Orangetown.**
 - 3) A Bulk Table must be added to the Site Plan, highlighting the required, as well as the proposed measurements.**
- 9. Based on the information provided, there are no Rockland County Health Department approvals needed for this application.**
- 10. 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.**
- 11. Based on the information provided, the Rockland County Highway Department found that the requested action will have minimum foreseeable adverse impact upon county roads in the area. The subject site is less than 500 feet away from any county roads; a Rockland County Highway Work Permit will be required before the proposed development and must be obtained before any construction on site.**
- 12. 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.**
- 13. The following agencies do not object to the Town of Orangetown Planning Board assuming responsibilities of lead agency for SEQRA purposes:**
- New York State Department of Transportation**
 - Town of Orangetown Zoning Board of Appeals**
 - Rockland County Department of Health**
 - Rockland County Sewer District No. 1**
 - Rockland County Department of Highways**

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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. 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.

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.

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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 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

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

The foregoing Resolution was made and moved by Stephen Sweeney and seconded by William Young and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, aye; William Young, aye; Michael Mandel, absent; 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: October 14, 2015

Town of Orangetown Planning Board

attachment

Cheryl Cooper Smith

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

**PB #15-47: Kennedy Deck Plan – Final Approval Subject to Conditions-
Critical Environmental Area/ Neg. Dec.**

**Town of Orangetown Planning Board Decision
October 14, 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: Kennedy Deck Site Plan

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 815 Route 9W, Upper Grandview, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 75.05, Block 1, Lot 7.1; 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
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PB #15- 49: Miller Minor Subdivision Plan: Request for Two 90 Day Extensions to File the Subdivision Plat with the Rockland County Clerk's Office - Granted

Town of Orangetown Planning Board Decision

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TO: Jay Greenwell, 85 Lafayette Avenue, Suffern, New York 10901
FROM: Town of Orangetown Planning Board

RE: Miller Minor Subdivision Plan: The application of Jay Greenwell, applicant, for Two (2) 90 Day Extensions to file the Subdivision Plat with the Rockland County Clerk's Office at a site to be known as "**Miller Minor 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 at 238 West Crooked Hill Road, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax as Section 68.11, Block 3, Lot 16 in the R-15 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, October 14, 2015**, at which time the Board made the following determinations:

Jay Greenwell appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated September 2, 2015.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated October 14, 2015.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated October 7, 2015.
4. A copy of PB #14-49, Final Subdivision Plan Approval Subject to Conditions, dated February 11, 2015.

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

DECISION: In view of the foregoing, the Planning Board **granted Two (2) 90 Day Extensions to File the Subdivision Plat with the Rockland County Clerk's Office.**

TOWN CLERK'S OFFICE

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PB #15- 49: Miller Minor Subdivision Plan: Request for Two 90 Day Extensions to File the Subdivision Plat with the Rockland County Clerk's Office - Granted

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The foregoing Resolution was made and moved by William Young and seconded by Thomas Warren and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, aye; William Young, aye; Robert Dell, absent, Michael Mandel, absent, Stephen Sweeney, aye 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: October 14, 2015
Town of Orangetown Planning Board**

Cheryl Coopersmith

TOWN OF ORANGETOWN
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TOWN CLERKS OFFICE

PB #15-50: 319 Blauvelt Road Minor Subdivision; Preliminary Subdivision Plan Approval Subject to Conditions/ Neg. Dec.

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TO: Jay Greenwell, PLS, 85 Lafayette Avenue, Suffern,
New York 10901
FROM: Orangetown Planning Board

RE: 319 Blauvelt Road Minor Subdivision Plan: The application of Jay Theise, applicant, for Joseph Rooney, owner, (Donald Brenner, attorney for the applicant), for Prepreliminary/ Preliminary Subdivision Plan Review, at a site to be known as **"319 Blauvelt Road Minor 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 319 Blauvelt Road, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 69.09, Block 5, Lot 74; in the R-15 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, October 14, 2015**, the Board made the following determinations:

Jay Greenwell and Donald Brenner appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated October 7, 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 October 14, 2015.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., October 8, 2015.
4. A letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated October 14, 2015.
5. A letter from Rockland County Department of Planning, signed by Arlene Miller, Principal Planner, dated September 15, 2015.
6. A letter from Rockland County Department of Highway, signed by Sonny Lin, P.E., dated October 13, 2015.
7. Letters from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated September 17, 2015.
8. A letter from Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer II, dated October 8, 2015.

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**PB #15-50: 319 Blauvelt Road Minor Subdivision; Preliminary Subdivision
Plan Approval Subject to Conditions/ Neg. Dec.**

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9. A letter from the Town of Orangetown Zoning Board of Appeals, signed by Daniel W. Sullivan, Chairman, dated September 16, 2015.
10. Subdivision Plan prepared by Jay Greenwell, PLS, dated July 30, 2015:
 - Sheet 1 of 2: Subdivision of Property for 319 Blauvelt Road
 - Sheet 2 of 2: Grading, Drainage & Utility Plan with Erosion Control, last revised on September 1, 2015
11. A Short Environmental Assessment Form signed by Jay K. Theise, dated September 10, 2015.

The Board reviewed the plan. The meeting was open to the public.

There being no public comment, a motion was made to close the Public Hearing portion of the meeting by Stephen Sweeney and second by Thomas Warren and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, aye; Michael Mandel, absent; 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 Stephen Sweeney and seconded by Thomas Warren and carried as follows: Kevin Garvey, Chairman; aye, Bruce Bond, Vice Chairman, aye; Michael Mandel, absent; 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.

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**PB #15-50: 319 Blauvelt Road Minor Subdivision; Preliminary Subdivision
Plan Approval Subject to Conditions/ Neg. Dec.**

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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 Jay Greenwell, 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 a proposed Subdivision plan by prepared by Jay Greenwell, PLS a summary of the reasons supporting this determination are, and the Planning Board finds, that the proposed action:

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

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TOWN OF ORANGETOWN

PB #15-50: 319 Blauvelt Road Minor Subdivision; Preliminary Subdivision Plan Approval Subject to Conditions/ Neg. Dec.

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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, absent; William Young, aye; Robert Dell, aye; Thomas Warren, aye; and Stephen Sweeney, aye; the Board made a Negative Declaration pursuant to SEQRA.

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

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. 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 2 lot subdivision requires the following variances from the Town of Orangetown Zoning Board of Appeals:

	Lot #1	Lot #2
a) Minimum Lot Area		
Required is 15,000 sf.	13,531 sf. proposed	
b) Minimum Lot Width		
Required is 100 feet	80 ft. proposed	
c) Minimum Street Frontage		
Required is 75 ft.		20 ft. proposed
(CS, Group FF, Col. 7)		
4. On Lot 2 the side yard to the west is labeled as 20.9 feet and it scales to 30+ feet. Please correct the typo.
5. Please provide sight distances on the plan at the driveway entrance.
6. The Short Environmental Assessment Form appears to be in order.

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- 7. The portion of the existing sanitary house service that will not be utilized shall be labeled “to be removed.”
- 8. The drainage calculations are currently under review by DEME.
- 9. A profile for the sanitary house connection for Lot #2 shall be added to the plans.
- 10. The invert elevations for the proposed sanitary house connections shall be given on the plans.
- 11. All proposed grading shall be added to the plans.
- 12. A note shall be added to plan indicating the source benchmark for the referenced datum, including the BM elevation.
- 13. The Drainage Consultant to the Planning Board, Brooker Engineering reviewed the application and found that drainage calculations were provided to demonstrate that increases to surface runoff from the site can be mitigated. The Drainage Consultant therefore recommends that the 319 Blauvelt Road Subdivision be approved for drainage subject to the following comments:

This is the first drainage review report to the Planning Board for this project. The project is a two lot subdivision and includes the removal of all existing impervious areas consisting of the existing house, garage, driveway and shed. Two new houses and a new shared driveway at approximately the same location as the existing driveway are proposed to be constructed. The front yard is mostly grass and there is a small wooded area along the rear property line. The slope of the site is extremely flat, with stormwater runoff flowing very gradually to the east. It appears that the existing driveway is slightly elevated along the east property line compared to the adjacent grade, and the current front yard acts as a depression area to infiltrate runoff prior to entering the property to the east.

Project Comments

- 1. The stormwater runoff calculations consider the entire site and propose drywells to provide a mitigation of net increases of peak runoff rates. However, since the site is so flat it appears that runoff flows to the eastern property line at two points: near the location of the proposed garage on Lot 1 and near the northeastern corner of Lot 2. The drainage calculations shall be revised to demonstrate that no net increase of peak runoff rates at each point of interest is achieved.

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Continuation of Condition #13...

2. More detail of the driveway grading is required; it appears the runoff from the new driveway at the garage on Lot 1 will flow directly onto the developed portion of the neighboring property to the east. This must be addressed. A swale with infiltration in this area may assist in achieving a no net increase in peak runoff rates at this location.
 3. Show more proposed grading and a swale along the west of side of the proposed houses. Show proposed contours for the entire site. Show with flow arrows where runoff leaves the site under existing conditions and proposed conditions.
 4. The plan shall state if basements are proposed. It appears no basements are proposed; however, portions of the garage are below grade, therefore a footing drain shall be added to the plan.
 5. Provide the supporting calculations for existing and proposed impervious surface areas.
 6. Total land disturbance shall be added as a map note.
 7. Show the top of the drywell casting flush with proposed grade in the detail. Add drywell maintenance requirements to the plan. Coordinate the gravel surround on the detail with the note on the plans.
- 14.** The applicant represented that the proposed dwelling would be a single level dwelling.
- 15.** Adequate screening would be provided to prohibit lighting from the proposed dwellings to shine onto the abutting properties. The type and amount of screening shall be reviewed and approved by the Town of Orangetown Architecture and Community Appearance Board of Review.
- 16.** Rockland County Department of Highways permits are not required for the proposed development.
- 17.** Based on the information provided, there are no Rockland County Health Department approvals needed for this application.
- 18.** 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 no future correspondence is requested for this site.
- 19.** 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 #1
 - Town of Orangetown Zoning Board of Appeals
- 20.** The applicant shall comply with all pertinent items in the Guide to the Preparation of Subdivision Plats prior to signing the final plans.
- 21.** All reviews and approvals from various governmental agencies must be obtained prior to stamping of the Subdivision Plan.

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22. Where a reservation of land for recreation purposes has been deemed by the Planning Board to be inadequate, Money in Lieu of Land for recreation purposes must be collected in accordance with Section 21-20 of the Land Development Regulations (\$9,000.00 for every vacant new residential lot). In addition, for every new vacant residential lot, \$80.00 will be collected for the Stream Maintenance Fund.

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 §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.

24. 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 or equal is to be placed and maintained one yard beyond the established tree protection zone. If it is agreed that the tree protection zone of a selected tree must be violated, one of the following methods must be employed to mitigate the impact:

- Light to Heavy Impacts – Minimum of eight inches of wood chips installed in the area to be protected. Chips shall be removed upon completion of work.

- Light Impacts Only – Installation of ¾ inch of plywood or boards, or equal over the area to be protected.

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

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

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

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

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

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

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

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

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

Dated: October 14, 2015
Cheryl Coopersmith
Chief Clerk Boards and Commissions
attachment



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

**PB #15-50: 319 Blauvelt Road Minor Subdivision; Preliminary Subdivision
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**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: 319 Blauvelt Road Minor Subdivision

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

**DESCRIPTION OF ACTION: 319 Blauvelt Minor Subdivision - Preliminary
Subdivision Plan subject to Conditions/ Neg. Dec.**

LOCATION: The site is located at 319 Blauvelt Road, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 69.09, Block 5, Lot 74; in the R-15 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, Town Supervisor, Applicant, Involved Agencies

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