

**Meeting of October 28, 2015  
Town of Orangetown Planning Board**

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

**MEMBERS ABSENT:** None

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

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

<b>Rohland Site Plan</b>	<b>PB #15-51</b>
Final Site Plan Review	<b>Final Site Plan Approval</b>
401- 407 Western Highway, Tappan	<b>Subject to Conditions</b>
74.18/3/31; LO zoning district	

<b>Rohland Commercial Subdivision Plan</b>	<b>PB #15-52</b>
Final Subdivision Plan Review	<b>Final Commercial</b>
401- 407 Western Highway, Tappan	<b>Subdivision Approval</b>
74.18/3/31; LO zoning district	<b>Subject to Conditions</b>

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.

The decisions of the October 14, 2015 Planning Board Meeting was reviewed, edited, and approved. The motion for adoption 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, abstain, William Young, aye; Robert Dell, abstain; Stephen Sweeney, aye and Thomas Warren, aye.

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 Michael Mandel and agreed to by all in attendance. The meeting was adjourned at 7:40 p.m. The next Planning Board meeting is scheduled for Monday, November 9, 2015.

**DATED: October 28, 2015**  
**Cheryl Coopersmith**  
**Chief Clerk Boards and Commissions**  
**Town of Orangetown Planning Board**

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**PB #15-51: Rohland Site Plan - Final Site Plan Approval Subject to Conditions**

**Town of Orangetown Planning Board Decision  
October 28, 2015  
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**TO:** John Atzl, Atzl, Scattassa & Zigler, 234 North Main Street  
New City, New York 10956  
**FROM:** Orangetown Planning Board

**RE:** Rohland Site Plan: The application of Aida Rohland, owner, for Final Site Plan Review at a site known as "**Rohland 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 401-407 Western Highway, Tappan, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 74.18, Block 3, Lot 31 in the LO zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, October 28, 2015**, at which time the Board made the following determinations:

John Atzl and Scott Dow appeared and testified.

The Board received the following communications:

1. Project Review Committee Report, dated October 21, 2015.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, dated October 28, 2015, signed by John Giardiello, P.E., Director.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, dated October 22, 2015, signed by Bruce Peters, P.E.
4. A letter from Brooker Engineering, dated October 26, 2015 signed by Kenneth DeGennaro, P.E.
5. A letter from the Rockland County Department of Planning, dated October 19, 2015, signed by Douglas J. Schuetz, Acting Commissioner of Planning.
6. A letter from the Rockland County Department of Highways, dated October 28, 2015, signed by Sonny Lin, P.E.
7. A letter from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated September 28, 2015.
8. A letter from Atzl, Nasher & Zigler, P.E., dated September 16, 2015.
9. Site Plans prepared by Atzl, Nasher & Zigler P.C., dated September 23, 2014 unless noted, last revision date of September 14, 2015:  
Drawing 1: Overall existing Condition Plan, dated October 11, 2013  
Drawing 2: Commercial Subdivision Plan, dated October 11, 2013  
Drawing 3: Grading Plan  
Drawing 4: Erosion & Sediment Control Plan  
Drawing 5: Details

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10. Copies of Board Decisions: PB #13-47, Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec., dated December 10, 2014; ACABOR #15-10, Approved Subject to Conditions, dated March 19, 2015 and ZBA #15-17, NYS Town Law Section 280-a Exception and Side Yard Variance for Lot E, Approved, dated March 4, 2015.

11. A copy of the Building Department Referral dated October 22, 2013.

The Board reviewed the Plan.

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

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

1. The following note shall be placed on the Site Plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a Pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a meeting."

2. The following note shall be placed on the Site Plan regarding Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.

3. The applicant shall comply with all pertinent and applicable conditions of all previous Board Decisions: PB #13-47, Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec., dated December 10, 2014; ACABOR #15-10, Approved Subject to Conditions, dated March 19, 2015 and ZBA #15-17, NYS Town Law Section 280-a Exception and Side Yard Variance for Lot E, Approved, dated March 4, 2015.

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4. The applicant shall review if the roadway radius onto Western Highway conforms to Rockland County Highway Standards.

5. A post construction stormwater maintenance agreement (in accordance with NYSDEC Phase II regulations and Town of Orangetown Town Code) for the proposed stormwater systems shall be submitted to DEME and the Town of Orangetown Town Attorney's office for review and approval. Said agreement shall include a maintenance and management schedule, inspection check list, contact person with telephone number, yearly report to be submitted to DEME, etc.

6. The revised drainage system and SWPPP are under review by DEME.

7. A legend shall be added to the erosion control plan (drawing #4). Also, erosion control measures shall be depicted around all of the proposed drainage work.

**8. Drainage Review Recommendation:** The applicant has provided provisions for stormwater management facilities to address mitigation for potential increases in stormwater runoff and therefore the Drainage Consultants recommends that the Rohland Site Plan and Commercial Subdivision be approved for drainage subject to the following comments:

This is the third drainage review report to the Planning Board for this project; the last review was dated December 10, 2014. The property is located on the east side of Western Highway, approximately 800 feet north of Independence Avenue. The site contains three lots, with the northwest lot adjacent to Western Highway containing a residential structure, the southwest lot along Western Highway being partially utilized, and the eastern lot along the railroad is developed as a contractors' storage yard. The land slopes downhill to the east, towards the railroad. Stormwater management facilities have been provided for this submission.

For the most recent submission, the stormwater management facilities have been relocated east to the bottom of the slope. This allows a greater drainage area to be directed to the stormwater management basins and eliminates the 20 feet excavation adjacent to the property line that was proposed in the last plan. A full Stormwater Pollution Prevention Plan has been submitted for this application.

**Project Comments**

1. As per the December 12, 2013 and December 10, 2014 drainage review reports, the metal building on the east lot is shown as being constructed in 2009. There are retaining walls surrounding the building that affect the flow of stormwater runoff. This section of the property is a large flat area at the bottom of a slope. The flow path of stormwater runoff in this area should be shown. The first floor elevation of the building shall be added and drainage away from the building in all directions shall be demonstrated. Proposed grading has been added that presumably shows runoff will be directed away from the building to the east, but in the other directions.

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**Continuation of Condition #8...**

2. The SWPPP designates the maintenance of the stormwater management facilities to be performed by the property owner, which is listed as Aida Rohland. The maintenance schedule and responsible party for maintenance shall be included on the Grading and Landscape Plan of the Site Plans as well.
3. The Site Plan shall be updated to reflect the current development at the site, which has changed several times during the course of the drainage review reports that began in 2013. The site plans shall show the final proposed configuration of the lands, including land clearing, changes in topography to create plateaus along the hillside, and proposed parking areas. The existing fence shown on the site plan north of the north property line is no longer there and shall be removed from the plan. The extent of land clearing shall be provided on the Site Plan.
4. The proposed stormwater management facility discharges to an existing field inlet which has a 36 inch RCP that flows south through the neighboring property. It appears that stormwater that normally flows east to the railroad tracks is diverted to this pipe under proposed conditions, after flowing through the stormwater management facilities. The drainage calculations consider this pipe to be the Point of Interest for which no increases in peak runoff rates are allowed. The existing conditions hydrologic modeling shall be revised to reflect the actual stormwater runoff at this particular location under existing conditions; this is the actual rate of runoff that cannot be increased for developed conditions. Additional Points of Interest are required to reflect how stormwater leaves the entire site under existing conditions. There shall be no increases in peak runoff rates at all Points of Interest.
5. The Existing Condition and Proposed Condition Drainage Subarea Maps shall clearly show the limits of gravel, pavement, woods, dirt, etc. ground cover. Calculations supporting the curve numbers used in the hydrologic model shall correlate with the subarea maps.
6. Watershed delineations shown on the Existing Condition and Proposed Condition Drainage Subarea Maps shall be verified. The delineations should follow the contours/grading and not necessarily the property lines.
7. The proposed ground cover shall be shown more clearly on the plans.

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

- 1) An updated review must be completed by the County of Rockland Department of Highways. The comments in their March 3, 2015 letter must be met. All required permits must be obtained.
- 2) As indicated in the September 28, 2015 letter from the Rockland County Department of Health, an application must be made for review of the stormwater management system for compliance with the County Mosquito Code.
- 3) All proposed signage shall be indicated on the Site Plan and shall conform to the municipality's sign standards.

**10.** The Rockland County Department of Highways reviewed the plans and offered the following remark for consideration:

- The strip between the property line along Western Highway and the DSL Line shall be gratuitously dedicated to the County of Rockland for inclusion in the county highway system together with an acceptable titled policy. The above document shall be ready to be filed by the County Highway Department in the county clerk's office before Work Permit can be issued for the proposed construction and must be secured prior to the start of any construction on site.
- Rockland County Highway Department Work Permit will be required for the proposed construction and must be secured prior to the start of any excavation or construction activities on site.

**11.** The Rockland County Department of Health (RCDOH) reviewed the plans and found that application must be made to the Rockland County Department of Health for review of the stormwater management system for compliance with the County Mosquito Code.

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

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

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

- a. No construction equipment shall be parked under the tree canopy.
- b. There will be no excavation or stockpiling of earth underneath the trees.
- c. Trees designated to be preserved shall be marked conspicuously on all sides at a 5 to 10 foot height.
- d. The Tree Protection Zone for trees designated to be preserved will be established by one of the following methods:
  - One (1) foot radius from trunk per inch DBH
  - Drip line of the Tree Canopy. The method chosen should be based on providing the maximum protection zone possible. A barrier of snow fence or equal is to be placed and maintained one yard beyond the established tree protection zone. If it is agreed that the tree protection zone of a selected tree must be violated, one of the following methods must be employed to mitigate the impact:
    - Light to Heavy Impacts – Minimum of eight inches of wood chips installed in the area to be protected. Chips shall be removed upon completion of work.
    - Light Impacts Only – Installation of 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.

**16.** 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.

**17.** 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.

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

19. 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).

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

21. 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

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

**Override**

The Board made a motion to override Condition #4 of the October 19, 2015 letter from Rockland County Department of Planning, signed by Douglas J. Schuetz, Acting Commissioner of Planning, for the following reasons:

Condition #4. A lighting plan shall be submitted for review. No lighting shall shine beyond the property line.

The Board held that a lighting plan was not required since no lights were planned.

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

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The foregoing Resolution was made and moved by Bruce Bond and seconded by William Young and carried as follows: Kevin Garvey, Chairman, aye; Bruce Bond, Vice Chairman, aye; William Young, aye; Thomas Warren, aye; Robert Dell, aye; Stephen Sweeney, aye and Michael Mandel, 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 28, 2015  
Cheryl Coopersmith, Chief Clerk Boards and Commissions  
Town of Orangetown Planning Board



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**PB #15-52: Rohland Commercial Subdivision Plan – Final Commercial Subdivision Plan Approval Subject to Conditions**

**Town of Orangetown Planning Board Decision**  
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**TO:** John Atzl, Atzl, Nasher & Zigler, 234 North Main Street  
New City, New York 10956  
**FROM:** Orangetown Planning Board

**RE:** Rohland Subdivision Plan: The application of Aida Rohland, owner, for Final Commercial Subdivision Plan Review at a site known as “**Rohland 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 401-407 Western Highway, Tappan, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 74.18, Block 3, Lot 31 in the LO zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, October 28, 2015** at which time the Board made the following determinations:

John Atzl and Scott Dow appeared and testified.

The Board received the following communications:

1. Project Review Committee Report, dated October 21, 2015.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, dated October 28, 2015, signed by John Giardiello, P.E., Director.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, dated October 22, 2015, signed by Bruce Peters, P.E.
4. A letter from Brooker Engineering, dated October 26, 2015, signed by Kenneth DeGennaro, P.E.
5. A letter from the Rockland County Department of Planning, dated October 19, 2015, signed by Douglas J. Schuetz, Acting Commissioner of Planning.
6. A letter from the Rockland County Department of Highways, dated October 28, 2015, signed by Sonny Lin, P.E.
7. A Commercial Subdivision Plan prepared by Atzl, Nasher & Zigler P.C., dated October 11, 2013, last revision date of September 14, 2015.
8. A copy of the Building Department Referral dated October 22, 2013.
9. A Copy of the following Board Decision: PB #13-48, Preliminary Approval Subject to Conditions, dated December 10, 2014.

The Board reviewed the Plan.

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**PB #15-52: Rohland Commercial Subdivision Plan – Final Commercial Subdivision Plan Approval Subject to Conditions**

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

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

1. The following note shall be placed on the Subdivision Plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a Pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a meeting."

2. The following note shall be placed on the Subdivision Plan regarding Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.

**3. Drainage Review Recommendation:** The applicant has provided provisions for stormwater management facilities to address mitigation for potential increases in stormwater runoff and therefore the Drainage Consultants recommends that the Rohland Site Plan and Commercial Subdivision be approved for drainage subject to the following comments:

This is the third drainage review report to the Planning Board for this project; the last review was dated December 10, 2014. The property is located on the east side of Western Highway, approximately 800 feet north of Independence Avenue. The site contains three lots, with the northwest lot adjacent to Western Highway containing a residential structure, the southwest lot along Western Highway being partially utilized, and the eastern lot along the railroad is developed as a contractors' storage yard. The land slopes downhill to the east, towards the railroad. Stormwater management facilities have been provided for this submission.

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**PB #15-52: Rohland Commercial Subdivision Plan – Final Commercial Subdivision Plan Approval Subject to Conditions**

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**Continuation of Condition #3....**

For the most recent submission, the stormwater management facilities have been relocated east to the bottom of the slope. This allows a greater drainage area to be directed to the stormwater management basins and eliminates the 20 feet excavation adjacent to the property line that was proposed in the last plan. A full Stormwater Pollution Prevention Plan has been submitted for this application.

**Project Comments**

1. As per the December 12, 2013 and December 10, 2014 drainage review reports, the metal building on the east lot is shown as being constructed in 2009. There are retaining walls surrounding the building that affect the flow of stormwater runoff. This section of the property is a large flat area at the bottom of a slope. The flow path of stormwater runoff in this area should be shown. The first floor elevation of the building shall be added and drainage away from the building in all directions shall be demonstrated. Proposed grading has been added that presumably shows runoff will be directed away from the building to the east, but in the other directions.
2. The SWPPP designates the maintenance of the stormwater management facilities to be performed by the property owner, which is listed as Aida Rohland. The maintenance schedule and responsible party for maintenance shall be included on the Grading and Landscape Plan of the Site Plans as well.
3. The Site Plan shall be updated to reflect the current development at the site, which has changed several times during the course of the drainage review reports that began in 2013. The site plans shall show the final proposed configuration of the lands, including land clearing, changes in topography to create plateaus along the hillside, and proposed parking areas. The existing fence shown on the site plan north of the north property line is no longer there and shall be removed from the plan. The extent of land clearing shall be provided on the Site Plan.
4. The proposed stormwater management facility discharges to an existing field inlet which has a 36 inch RCP that flows south through the neighboring property. It appears that stormwater that normally flows east to the railroad tracks is diverted to this pipe under proposed conditions, after flowing through the stormwater management facilities. The drainage calculations consider this pipe to be the Point of Interest for which no increases in peak runoff rates are allowed. The existing conditions hydrologic modeling shall be revised to reflect the actual stormwater runoff at this particular location under existing conditions; this is the actual rate of runoff that cannot be increased for developed conditions. Additional Points of Interest are required to reflect how stormwater leaves the entire site under existing conditions. There shall be no increases in peak runoff rates at all Points of Interest.

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**PB #15-52: Rohland Commercial Subdivision Plan – Final Commercial Subdivision Plan Approval Subject to Conditions**

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**Continuation of Condition #3...**

5. The Existing Condition and Proposed Condition Drainage Subarea Maps shall clearly show the limits of gravel, pavement, woods, dirt, etc. ground cover. Calculations supporting the curve numbers used in the hydrologic model shall correlate with the subarea maps.
  6. Watershed delineations shown on the Existing Condition and Proposed Condition Drainage Subarea Maps shall be verified. The delineations should follow the contours/grading and not necessarily the property lines.
  7. The proposed ground cover shall be shown more clearly on the plans.
4. Rockland County Department of Planning had the following comments which are incorporated herein as conditions of approval:
1. An updated review must be completed by the County of Rockland Department of Highways. The comments in the March 3, 2015 letter must be addressed. All required permits must be obtained.
  2. A 14.375 foot easement is being provided to the Town of Orangetown. However, since this is a county highway, a gratuitous dedication must be made to the County of Rockland instead.
5. The Rockland County Department of Highways reviewed the plans and offered the following remark for consideration:
- The strip between the property line along Western Highway and the DSL Line shall be gratuitously dedicated to the County of Rockland for inclusion in the county highway system together with an acceptable titled policy. The above document shall be ready to be filed by the County Highway Department in the county clerk's office before Work Permit can be issued for the proposed construction and must be secured prior to the start of any construction on site.
  - Rockland County Highway Department Work Permit will be required for the proposed construction and must be secured prior to the start of any excavation or construction activities on site.
6. The applicant shall comply with all pertinent items in the Guide to the Preparation of Subdivision Plans prior to signing the final plans.
7. All reviews and approvals from various governmental agencies must be obtained prior to stamping of the Subdivision Plan.

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**PB #15-52: Rohland Commercial Subdivision Plan – Final Commercial Subdivision Plan Approval Subject to Conditions**

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8. 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.

9. 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.

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

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11. 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.

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

13. 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).

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

15. 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

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

**Override**

The Board made a motion to override Condition #3 of the October 19, 2015 letter from Rockland County Department of Planning, signed by Douglas J. Schuetz, Acting Commissioner of Planning, for the following reasons:

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Condition #4. If tax parcel numbers are to given to these areas, then 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.

The Board held that the proposed subdivision is not a Land Subdivision; it is a Commercial Subdivision of Subdivision of Space.

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

The foregoing Resolution 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; William Young, aye; Thomas Warren, aye; Robert Dell, aye; Stephen Sweeney, aye and Michael Mandel, 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 28, 2015  
Cheryl Coopersmith, Chief Clerk Boards and Commissions  
Town of Orangetown Planning Board



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