

**Meeting of September 18, 2013
Town of Orangetown Planning Board**

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

MEMBERS ABSENT: Robert Dell

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

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

Continued Item from February 22, 2012 Meeting:

28 Route 303 Auto Site Plan	PB #12 - 02
Prepreliminary/ Preliminary/ Final Site Plan and SEQRA Review 77.15 / 1 / 44; CS zoning district	Continued: Clean Site and Revise Plan

New Items:

Grace Tabernacle Assembly of God Special Permit Consultation	PB #13 - 34
77.08 / 5 / 41; CS zoning district	Consultation

All County Properties LLC, Site Plan	PB #13 - 35
Final Site Plan Review 74.07/1/29; LI zoning district	Final Site Plan Approval Subject to Conditions

School of Rock Conditional Use Permit	PB #13 - 36
Blauvelt Mini Mall Site Prepreliminary/ Preliminary/ Final Conditional Use Permit & SEQRA Review 74.14 / 4 / 36; CS zoning district	Final Approval Conditional Use Permit/ Neg. Dec.

St. Peter's and St. Paul's Church Site Plan	PB #13 - 37
Prepreliminary/ Preliminary/ Final Site Plan & SEQRA Review 74.18 / 3 / 27; R-15 zoning district	Final Site Plan Approval Subject to Conditions/ Neg. Dec.

Dominick & White Resubdivision Plan	PB #13 - 38
Prepreliminary/ Preliminary/ Final Resubdivision Plan and SEQRA Review 68.14 / 2 / 21 & 23; R-15 zoning district	Preliminary Approval Subject to Conditions Neg. Dec.

Postponed Item from June 12, 2013 Meeting:

Hayes Site Plan	PB #13 - 25
Prepreliminary/ Preliminary/ Final Site Plan and SEQRA Review 70.09 / 1 / 41.1; R-15 zoning district	Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec.

TOWN CLERKS OFFICE
24 OCT 17 AM 10 42
TOWN OF ORANGETOWN

September 18, 2013 Planning Board Meeting

Other Business:

1) Erie Street Improvement: The Board reviewed a plan for the construction of a Temporary Storage/Staging Area Plan to be used for contractors building the Erie Street Improvement off of Route 303 for New York State Department of Transportation. The Temporary Storage/Staging Area Plan would be located on the Parseghian Property (70.10/3/18), as noted on the submitted plan prepared by Maser Consulting, dated September 4, 2013.

The Board reviewed and approved the use of the Parseghian Property (70.10/3/18), however, held that no land improvements shall be made, with the exception of Milling along the roadway Right-of-Way. A note shall be placed on the plan stating that the property shall only be used to store concrete, pipes, catch basins and other materials used to construct the project.

A revised plan shall be submitted noting the required changes to the plan.

2) Kopunek Subdivision: The Board granted an amendment to PB#13-24, Kopunek Subdivision, to waive application to the Architecture and Community Appearance Board of Review (ACABOR). The application shall be reviewed by ACABOR when the applicant has prepared a development plan for the new lot.

3) Holt Site Parking Plan (68.16 / 6 / 6): A parking plan was presented to the Board. The Board determined that the applicant did not require review by the Planning Board since there would be no change to the grade of the site and no new building construction. The Town Engineering Department will review the drainage information. The Building Department will control the planning and permitting process.

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

Since there was no further business to come before the Board, a motion to adjourn the meeting was made by Bruce Bond and seconded by Kevin Garvey and agreed to by all in attendance. The meeting was adjourned at 9:30 p.m. The next Planning Board meeting is scheduled for October 16, 2013.

DATED: September 18, 2013
Town of Orangetown Planning Board



TOWN CLERKS OFFICE
26 OCT 17 AM 10 42
TOWN OF ORANGETOWN

PB #13-34: Grace Tabernacle Assembly of God: Consultation

Town of Orangetown Planning Board

September 18, 2013

Page 1 of 2

TO: Liborio Derario, Old Sea Captain's House, Box 414, Tuxedo Park,
New York 10987
FROM: Orangetown Planning Board

RE: Grace Tabernacle Assembly of God Consultation: The application of John Mathew, applicant, for Khaneghan of Maktab, owner, for a Consultation at a site to be known as "**Grace Tabernacle Assembly of God Consultation**" 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 617 Main Street, Sparkill, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 77.08, Block 5, Lot 41 in the CS zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, September 18, 2013**, the Board made the following determinations:

Liborio Derario, Paul Kahn, John Mathew and Linu Abraham appeared and testified.

The Board received the following communications:

1. A Project Review Committee Report dated September 11, 2013.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, dated September 18, 2013, signed by John Giardiello, P.E., Director.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, dated September 12, 2013, signed by Bruce Peters, P.E.
4. An interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, dated August 7, 2013, signed by Michael Bettmann, Chief.
5. A Narrative Summary prepared by Liborio Derario, Architect, undated.
6. Preliminary Schematic Site Plan, S-1, Plan prepared by Liborio Derario, Architect, dated July 13, 2013, revised July 30, 2013.

The Board reviewed the plans.

CONSULTATION: In view of the foregoing and the testimony before the Board, the Board offered the following COMMENTS:

TOWN CLERKS OFFICE
2013 OCT 17 PM 10 42
TOWN OF ORANGETOWN

PB #13-34: Grace Tabernacle Assembly of God: Consultation

Town of Orangetown Planning Board

September 18, 2013

Page 2 of 2

1. The current uses allowed in the existing building are retail and office building.
2. The proposed use as a "church or similar place of worship" is permitted by right in a CS zone district.
3. The parking requirement is at least 1 parking space for each 200 square feet of gross floor area but not less than 1 space for each 5 seats, where provided.
4. The Floor Area Ratio needs to include the proposed addition area.
5. The plan shall clearly indicate what work is proposed, i.e. the heavy grading lines in the parking lot appear to be proposed grading.
6. The Town of Orangetown Fire Prevention Bureau had the following comments:
 - The plan submitted shows a 2 story addition, please explain the project.
 - The Fire Sprinkler must be updated to NFPA 13 assembly occupancies. Inspected and tested as per NFPA 25.
 - The Fire Alarm must be separated into zones and report to Rockland County 44-Control.
 - Install Key Box.
 - Provide Fire Extinguishers as required by NFPA 10.
 - Provide Emergency lighting as per NEC.
 - A floor usage plan must be provided.
 - Provide and maintain Fire Lane/Zone signage, "No Parking" signage and striping and show all signage and markings on the final approved Site Plan.

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

Dated: September 18, 2013

Town of Orangetown Planning Board



TOWN CLERKS OFFICE
2013 OCT 17 AM 10 42
TOWN OF ORANGETOWN

**PB #13- 35: All County Properties Site Plan - Final Site Plan Approval
Subject to Conditions**

**Town of Orangetown Planning Board Decision
September 18, 2013
Page 1 of 6**

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

RE: All County Properties, LLC Site Plan: The application of All County Properties, LLC, owner, for Final Site Plan Review, at a site known as "**All County Properties, LLC Site Plan**", in accordance with Article 16 of the Town Law of the State of New York and the Land Development Regulations of the Town of Orangetown, Chapter 21A of the Code of the Town of Orangetown. The site is located at 11 Old School Lane, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 74.07, Block 1, Lot 29 in the LI zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, September 18, 2013** at which time the Board made the following determinations:

Robert Chiapperino and Jay Greenwell appeared and testified.

The Board received the following communications:

1. Project Review Committee Report, dated September 11, 2013.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, dated September 18, 2013, signed by John Giardiello, P.E., Director.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, dated September 12, 2013, signed by Bruce Peters, P.E.
4. A letter from Brooker Engineering, dated September 17, 2013, with attachments, signed by Kenneth DeGennaro, P.E.
5. A letter from the Rockland County Department of Planning, dated August 15, 2013, signed by Thomas B. Vanderbeek, P.E., Commissioner of Planning.
6. A letter from the Rockland County Department of Highways, dated September 12, 2013, signed by Sonny Lin, P. E.,
7. A letter from the Rockland County Department of Health, dated August 12, 2013, signed by Scott McKane, P.E., Senior Public Health Engineer.
8. A letter from New York State Department of Transportation, dated March 27, 2013, signed by Akhter Shareef, Senior Transportation Analyst.
9. A copy of a letter from Orange and Rockland Utilities, Inc. to Jay Greenwell, PLS, dated August 19, 2013, signed by Jennifer Stahmer, Senior Real Estate Representative with attachments.
10. A copy of a letter signed by Jay Greenwell, PLS, to Orange and Rockland Utilities, Inc., dated August 26, 2013, with an attachment.
11. All County Properties, LLC Site Plans prepared by Jay Greenwell, PLS, LLC:
Sheet 1: Site Plan – Proposed Building, dated November 26, 2012, revised July 29, 2013
Sheet 2: Detail Sheet, dated November 30, 2012, revised July 24, 2013

TOWN CLERK'S OFFICE

2013 OCT 17 PM 10 42

TOWN OF ORANGETOWN

**PB #13- 35: All County Properties Site Plan - Final Site Plan Approval
Subject to Conditions**

**Town of Orangetown Planning Board Decision
September 18, 2013
Page 2 of 6**

12. Site Planting Plan prepared by Robert Torgersen, ASLA, dated June 11, 2013.

13. Copies of Board Decisions: ACABOR #13-39, Approved Subject to Conditions, dated July 25, 2013, ZBA #13-40, Lot Area, Street Frontage, Front Yard, Side Yard, Building Height, Gravel Parking Area, Caretaker Residence, Outdoor Storage, Variances Approved, dated June 5, 2013 and PB #13-06, Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec., dated March 13, 2013.

The Board reviewed the plans.

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

DECISION: In view of the foregoing and the testimony before the Board, the application was **GRANTED FINAL SITE PLAN 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 Board Decisions: ACABOR #13-39, Approved Subject to Conditions, dated July 25, 2013, ZBA #13-40, Lot Area, Street Frontage, Front Yard, Side Yard, Building Height, Gravel Parking Area, Caretaker Residence, Outdoor Storage, Variances Approved, dated June 5, 2013 and PB #13-06, Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec., dated March 13, 2013.
4. The applicant shall increase the driveway width/ radii, at the driveway entrance, to facilitate large vehicle turning movements into and out of the property.

TOWN CLERKS OFFICE
2013 OCT 17 AM 10 42
TOWN OF ORANGETOWN

**PB #13- 35: All County Properties Site Plan - Final Site Plan Approval
Subject to Conditions**

**Town of Orangetown Planning Board Decision
September 18, 2013
Page 3 of 6**

5. The Drainage Consultant to the Planning Board, Brooker Engineering, reviewed the application and found that the application includes sufficient supporting data to demonstrate that potential significant adverse impacts to stormwater runoff can be mitigated and therefore recommends that the All Counties, LLC Site Plan be approved for drainage subject to the following Project Comments:

- The swale directing stormwater runoff away from the existing garage and new building shall be shown on the plan.
- The proposed footing drain for the new building shall be shown on the plan.
- The separation distance between drywells shall be a minimum of the diameter of the drywell and the stone surround used in the drainage calculations.
- Proposed grading at the new handicap parking spaces shall be added to the Site Plan.
- The Drywell Detail shall show solid covers instead of grates for the drywells. The plan currently shows the catch basin in the southeast corner of the parking lot will surcharge when the drywells are filled. The flow path of the surcharged catch basin shall be shown that will prevent the existing garage from being inundated.

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

- 1) As indicated in the August 12, 2013 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.
- 2) Prior to any grading or construction on the site, a soil and erosion control plan shall be developed that meets the New York State Guidelines for Urban Erosion and Sediment Control.
- 3) There shall be no net increase in the peak rate of discharge from the site at all design points.
- 4) A review must be completed by Orange and Rockland Utilities and its comments considered.

7. The Rockland County Department of Highways reviewed the plans and based on the plan and information provided found that the requested action would have minimum foreseeable adverse impact to county roads in the area.

8. The Rockland County Department of Health (RCDOH) reviewed the plans and provided the following comments:

- 1) Application is to be made to the Rockland County Department of Health for review of the Stormwater Management system for compliance with the County Mosquito Code.

TOWN CLERKS OFFICE

2013 OCT 17 PM 10 42

TOWN OF ORANGETOWN

**PB #13- 35: All County Properties Site Plan - Final Site Plan Approval
Subject to Conditions**

**Town of Orangetown Planning Board Decision
September 18, 2013
Page 4 of 6**

9. Based upon Rockland County Drainage Agency (RCDA) evaluation of available mapping and information submitted, it has been determined that the proposed activity is outside the jurisdiction of the RCDA. Therefore, a permit from the RCDA pursuant to the Rockland County Stream Control Act, Chapter 846, is not required based upon its review of the information provided.

10. The New York State Department of Transportation has completed its review and feel the project will have no significant impact on the state transportation system. NYSDOT has no further comments on the proposed subject property.

11. The applicant must resolve the Orange and Rockland Utility easement line issue, as outlined in letters from Orange and Rockland Utilities, Inc. to Jay Greenwell, PLS, dated August 19, 2013, signed by Jennifer Stahmer, Senior Real Estate Representative and a letter from Jay Greenwell, PLS, to Orange and Rockland Utilities, Inc., dated August 26, 2013, signed by Jay Greenwell.

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.

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:

TOWN CLERKS OFFICE
2013 OCT 17 PM 10 42
TOWN OF ORANGETOWN

**PB #13- 35: All County Properties Site Plan - Final Site Plan Approval
Subject to Conditions**

**Town of Orangetown Planning Board Decision
September 18, 2013
Page 5 of 6**

Continuation of Condition #15....

- 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 $\frac{3}{4}$ 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.

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

TOWN CLERKS OFFICE
2013 OCT 17 AM 10 42
TOWN OF ORANGETOWN

**PB #13- 35: All County Properties Site Plan - Final Site Plan Approval
Subject to Conditions**

**Town of Orangetown Planning Board Decision
September 18, 2013
Page 6 of 6**

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, signs and refuse control.

The foregoing Resolution was made and moved by Bruce Peters and seconded by Michael Mandel and carried as follows: Kevin Garvey, aye; Bruce Bond, aye; William Young, aye; John Foody, aye; Robert Dell, absent; Jeffrey Golda, 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: September 18, 2013
Town of Orangetown Planning Board**



TOWN CLERKS OFFICE
2013 OCT 17 AM 10 42
TOWN OF ORANGETOWN

PB #13-36: School of Rock Conditional Use Permit: Granted Conditional Use Permit and Final Approval Subject to Conditions/ Neg. Dec.

Town of Orangetown Planning Board Decision
September 18, 2013
Page 1 of 5

TO: Shuman Roy, 1201 Adams Street, Apt. 213,
Hoboken, New Jersey 07030
FROM: Orangetown Planning Board

RE: School of Rock Conditional Use Permit: The application of Shuman Roy, applicant, for Blauvelt Mini Mall, Inc., owners, for a Conditional Use Permit Review, Prepreliminary/ Preliminary/ Final Review, at a site to be known as **"School of Rock Conditional Use Permit"**, in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21A of the Code of the Town of Orangetown and 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 135 Erie Street, Blauvelt, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 74.14, Block 4, Lot 36 in the CS zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, September 18, 2013**, at which time the Board made the following determination:

Shuman Roy appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated September 11, 2013.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated September 18, 2013.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., September 12, 2013.
4. A letter from Rockland County Department of Planning, signed by Thomas Vanderbeek, P.E., Commissioner of Planning, dated August 14, 2013.
5. A letter from the Rockland County Department of Highways, signed by Sonny Lin, P.E., September 17, 2013.
6. A letter from Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer II, dated September 11, 2013.
7. Letters from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated August 12, 2013.
8. A letter from the New York State Department of Transportation, signed by Mary Jo Russo, P.E., Rockland County Permit Engineer, dated August 14, 2013.
9. A letter from the New York State Department of Transportation, signed by Akhter Shareef, Senior Transportation Analyst, dated August 28, 2013.
10. A Short Environmental Assessment Form signed by Shuman Roy, dated June 10, 2013.

TOWN CLERKS OFFICE

2013 OCT 17 PM 10 42

TOWN OF ORANGETOWN

PB #13-36: School of Rock Conditional Use Permit: Granted Conditional Use Permit and Final Approval Subject to Conditions/ Neg. Dec.

**Town of Orangetown Planning Board Decision
September 18, 2013
Page 2 of 5**

11. A letter from the Town of Orangetown Zoning Board of Appeals, signed by Daniel Sullivan, Chairman, dated September 11, 2013.
12. Plans noting interior layout of storefront, location and available parking.
13. Copy of Building Permit application, dated June 5, 2013.
14. An Executive Summary prepared by Shuman Roy.

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 William Young and seconded by Bruce Bond and carried as follows: Kevin Garvey, aye; Bruce Bond, aye; Michael Mandel, aye; William Young, aye; Robert Dell, absent; Jeffrey Golda, aye and John Foody, 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 John Foody and carried as follows: Kevin Garvey, aye; Bruce Bond, aye; Michael Mandel, aye; William Young, aye; Robert Dell, absent; John Foody, aye and Jeffrey Golda, aye, the Board declared itself Lead Agency.

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

After having identified the relevant areas of environmental concern, namely drainage, surface water runoff, land clearing, vegetation, fauna, traffic and noise levels, and after having taken a hard look at said environmental issues, and after having deliberated regarding such concerns, and having heard from the applicant and having heard from the following offices, officials and/or Departments: (Town of Orangetown): Project Review Committee, Office of Building, Zoning, Planning Administration and Enforcement and Department of

TOWN CLERKS OFFICE
2013 OCT 17 AM 10 42
TOWN OF ORANGETOWN

PB #13-36: School of Rock Conditional Use Permit: Granted Conditional Use Permit and Final Approval Subject to Conditions/ Neg. Dec.

**Town of Orangetown Planning Board Decision
September 18, 2013
Page 3 of 5**

Environmental Management and Engineering, and having heard from the following involved and interested agencies: Town of Orangetown Zoning Board of Appeals, New York State Department of Transportation, Rockland County Department of Health, Rockland County Department of Highways, Rockland County Sewer No. 1, and having reviewed the proposed plan, a summary of the reasons supporting this determination are, and the Planning Board finds that the proposed action:

- Will not significantly affect existing air quality or noise levels;
- Will not significantly affect existing surface water quality or quantity or drainage;
- Will not significantly affect existing ground water quality or quantity;
- 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, aye; Michael Mandel, aye; Bruce Bond, aye; Robert Dell, absent; John Foody, aye; William Young, aye; and Jeffrey Golda, aye, the Board made a Negative Declaration pursuant to SEQRA.

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

- The proposed use, size and character is in harmony with the development in the district in which it is proposed to be situated and will not be detrimental to the zoning classification of such properties.
- The proposed location and size of the use, nature and intensity of operations involved, and the site layout in relation to access streets will not be hazardous to pedestrian or vehicular traffic.

TOWN CLERKS OFFICE

2013 OCT 17 PM 10 42

TOWN OF ORANGETOWN

PB #13-36: School of Rock Conditional Use Permit: Granted Conditional Use Permit and Final Approval Subject to Conditions/ Neg. Dec.

Town of Orangetown Planning Board Decision

September 18, 2013

Page 4 of 5

- The proposed location of the use will not hinder or discourage development or use of adjacent land and buildings.
- The proposed use will not require additional public services or create fiscal burdens upon the Town of Orangetown greater than those which characterize uses permitted by right.

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

DECISION: In view of the foregoing and the testimony before the Board, the application was **GRANTED FINAL APPROVAL SUBJECT TO THE FOLLOWING CONDITIONS:**

1. The Applicant wants to occupy the existing Unit #8 of the Blauvelt Mini Mall as a "School of Special Instructions". Under the Zoning District of CS, a "School of Special Instructions" requires a Conditional Use Permit from the Planning Board. There are no changes to the existing building site being proposed.
2. The parking requirements for a school of special instruction are at least 1 space per 300 square feet or 1 space per 12 students. Therefore the number of existing parking spaces is sufficient.
3. Item #10 of the Short Environmental Assessment Form shall be answered "Yes" and "Certificate of Occupancy" listed.
4. A site visit on September 13, 2013 revealed storage containers, apparently on the property of the mini mall, which never received approval for such outside storage. These containers shall be removed.
5. The Rockland County Department of Health reviewed the information and found there are no Rockland County Department of Health approvals needed for this application.
6. 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.

TOWN CLERKS OFFICE

2013 OCT 17 PM 10 42

TOWN OF ORANGETOWN

PB #13-36: School of Rock Conditional Use Permit: Granted Conditional Use Permit and Final Approval Subject to Conditions/ Neg. Dec.

Town of Orangetown Planning Board Decision
September 18, 2013
Page 5 of 5

7. The New York State Department of Transportation has reviewed the plan and held that the project will have no significant impact on the state transportation system.

8. The Rockland County Highway Department reviewed the information provided and found that the requested construction will have minimum foreseeable adverse impact upon county roads in the area.

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

- Rockland County Sewer District #1
- Rockland County Department of Health
- Rockland County Department of Highways
- Town of Orangetown Zoning Board of Appeals
- New York State Department of Transportation

The foregoing Resolution was made and moved by Bruce Bond and seconded by William Young and carried as follows: Kevin Garvey, aye; Bruce Bond, aye; Robert Dell, absent; Michael Mandel, aye; John Foody, aye; Jeffrey Golda, aye; and William Young, 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: September 18, 2013

Town of Orangetown Planning Board
attachment



TOWN CLERKS OFFICE
2013 OCT 17 PM 10 42
TOWN OF ORANGETOWN

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

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Regulation) of the Environmental Conservation Law.

The PLANNING BOARD, TOWN OF ORANGETOWN, as Lead Agency, has determined that the proposed action described below will not have a significant impact on the environment and a Draft Environmental Impact Statement will not be prepared.

NAME OF ACTION: School of Rock Conditional Use Permit

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

**DESCRIPTION OF ACTION: School of Rock Conditional Use Permit:
Granted Conditional Use Permit/ Neg. Dec.**

LOCATION: The site is located at 135 Erie Street, Blauvelt, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 74.14, Block 4, Lot 36 in the CS 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
2013 OCT 17 PM 10 42
TOWN OF ORANGETOWN

**PB #13- 37: St. Peter's and St. Paul's Church Site Plan – Final Site Plan
Approval Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision
September 18, 2013
Page 1 of 7**

TO: Shibu Abraham, 31 Strawberry Hill Lane, West Nyack, New York
FROM: Orangetown Planning Board

RE: St. Peter's and St. Paul's Church Site Plan: The application of St. Peter's and St. Paul's Church, applicant, for Pedmart Building Associates, LLC, owners, for a Prepreliminary/ Preliminary/ Final Site Plan Review, at a site to be known as "St. Peter's and St. Paul's Church 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 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 422 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 27 in the R-15 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, September 18, 2013** at which time the Board made the following determinations:

Shajan Thottakara and Antonio Reda appeared and testified.

The Board received the following communications:

1. Project Review Committee Report, dated September 11, 2013.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, dated September 18, 2013, signed by John Giardiello, P.E., Director.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, dated September 12, 2013, signed by Bruce Peters, P.E.
4. A letter from the Rockland County Department of Planning, dated September 10, 2013, signed by Thomas B. Vanderbeek, P.E., Commissioner of Planning.
5. A letter from the Rockland County Department of Highways, dated September 5, 2013, signed by Sonny Lin, P. E.,
6. Letters from the Rockland County Department of Health, dated August 22, 2013, signed by Scott McKane, P.E., Senior Public Health Engineer.
7. A letter from Rockland County Sewer District No. 1, dated September 11, 2013, signed by Joseph LaFiandra, Engineer II.
8. An interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, dated August 19, 2013, signed by Michael Bettmann, Chief.
9. A letter from the Town of Orangetown Zoning Board of Appeals, signed by Dan Sullivan, Chairman, dated September 11, 2013.
10. Site Plan prepared by Shajan Thottakara, P.E., entitled 422 Western Hwy, Interior Remodeling for St. Peter's and St. Paul's Church, dated August 7, 2013.

TOWN CLERKS OFFICE
2013 OCT 17 PM 10 43
TOWN OF ORANGETOWN

**PB #13- 37: St. Peter's and St. Paul's Church Site Plan – Final Site Plan
Approval Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision
September 18, 2013
Page 2 of 7**

11. A copy of Board Decision: ZBA April 1, 1970, Permit to use an existing church structure for a medical arts office, copy of a Certificate of Occupancy for a new 2 story Masonry Church Building, dated August 13, 1965 and a Certificate of Occupancy for the Conversion of Existing Church to Medical Arts Office, dated September 27, 1972.

The Board reviewed the plans.

Public Comment:

Ms Sherman, 6 Thomas Circle, Tappan; raised concerns regarding the overflow of parking from the parking lot onto the street.

Adrienne Dicbre, 7 Thomas Circle, Tappan; requested information regarding the applicant's future plans for the property.

Acale Somma, 10 West Lowe Lane, Tappan; raised issues of increase vehicular traffic to the roadways as a result of the proposed use of the building.

Mindy Bonondona, 44 South Mary Francis Street, Tappan; expressed concerns that use of the building during the weekdays would increase traffic to the neighborhood.

George Vargas, 3 Carol Ann Court, Stony Point, and Secretary to St. Paul's and St. Peters Church; stated that are 35 memberships in the church, that include 85 people. Services are Catholic and follow all catholic holidays and services.

A motion was made to close the Public Hearing portion of the meeting by Bruce Bond and seconded by John Foody and carried as follows: Kevin Garvey, aye; Bruce Bond, aye; Michael Mandel, aye; William Young, aye; Robert Dell, absent; Jeffrey Golda, aye and John Foody, 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 Jeffrey Golda and carried as follows: Kevin Garvey, aye; Bruce Bond, aye; Michael Mandel, aye; William Young, aye; Robert Dell, absent; John Foody, aye and Jeffrey Golda, 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.

TOWN CLERKS OFFICE

2013 OCT 17 PM 10 43

TOWN OF ORANGETOWN

**PB #13- 37: St. Peter's and St. Paul's Church Site Plan – Final Site Plan
Approval Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision
September 18, 2013
Page 3 of 7**

After having identified the relevant areas of environmental concern, namely drainage, surface water runoff, land clearing, vegetation, fauna, traffic and noise levels, and after having taken a hard look at said environmental issues, and after having deliberated regarding such concerns, and having heard from the Applicant and having heard from the following offices, officials and/or Departments: (Town of Orangetown): Project Review Committee, Office of Building, Zoning, Planning Administration and Enforcement and Department of Environmental Management and Engineering, and having heard from the following involved and interested agencies: Town of Orangetown Zoning Board of Appeals, Rockland County Department of Highways, Rockland County Sewer No. 1, Rockland County Department of Health, and having reviewed the proposed plan, a summary of the reasons supporting this determination are, and the Planning Board finds that the proposed action:

- Will not significantly affect existing air quality or noise levels;
- Will not significantly affect existing surface water quality or quantity or drainage;
- Will not significantly affect existing ground water quality or quantity;
- 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, aye; Michael Mandel, aye; Bruce Bond, aye; Robert Dell, absent; John Foody, aye; William Young, aye; and Jeffrey Golda, 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 SUBJECT TO THE FOLLOWING CONDITIONS:**

TOWN CLERKS OFFICE

2013 OCT 17 PM 10 43

TOWN OF ORANGETOWN

**PB #13- 37: St. Peter's and St. Paul's Church Site Plan – Final Site Plan
Approval Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision
September 18, 2013
Page 4 of 7**

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 property was used as doctor's offices and is being converted to a church. A church is a permitted by right in an R-15 zone district. The original building was built as a church. No exterior changes are proposed to the site at this time.
4. The applicant shall provide a parking calculation on the Site Plan indicating compliance with the minimum parking requirements of 1 parking space per 200 square feet of gross floor area but not less than 1 space for each 5 seats, where provided.
5. The Site Plan shall provide additional handicap parking spaces, as necessary.
6. The Short Environmental Assessment Form appears to be in order.
7. The Rockland County Department of Highways reviewed the plans and based on the plan and information provided found that they have no objection to the renovation plan as shown.
8. 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.
9. The Rockland County Department of Health (RCDOH) reviewed the plans and found that no approvals are needed for this application.
10. The Town of Orangetown Fire Prevention Bureau had the following comments (place the following as notes on the Site Plan):
 - Install an NFPA 72 Compliant Fire Alarm System reporting to Rockland County 44-Control with Amber Strobe as per Orangetown Code.
 - Install Portable Fire Extinguishers as required by NFPA 10.
 - Install Emergency Lighting as per NEC.
 - Apply for and maintain Certificate of Compliance Fire Safety with the Town of Orangetown Fire Prevention Bureau

TOWN CLERKS OFFICE

2013 OCT 17 PM 10 43

TOWN OF ORANGETOWN

**PB #13- 37: St. Peter's and St. Paul's Church Site Plan – Final Site Plan
Approval Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision
September 18, 2013
Page 5 of 7**

11. The applicant shall comply with all pertinent items in the Guide to the Preparation of Site Plans prior to signing the final plans.
12. All reviews and approvals from various governmental agencies must be obtained prior to stamping of the Site Plan.
13. 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.
14. The following agencies do not object to the Town of Orangetown Planning Board assuming responsibilities of lead agency for SEQRA purposes:
- Rockland County Sewer District #1
 - Rockland County Department of Health
 - Rockland County Department of Highways
 - Town of Orangetown Zoning Board of Appeals
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.

TOWN CLERKS OFFICE

2013 OCT 17 PM 10 43

TOWN OF ORANGETOWN

**PB #13- 37: St. Peter's and St. Paul's Church Site Plan – Final Site Plan
Approval Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision
September 18, 2013
Page 6 of 7**

Continuation of Condition #15....

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.

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.

TOWN CLERKS OFFICE
2013 OCT 17 PM 10 43
TOWN OF ORANGETOWN

**PB #13- 37: St. Peter's and St. Paul's Church Site Plan – Final Site Plan
Approval Subject to Conditions/ Neg. Dec.**

Town of Orangetown Planning Board Decision

September 18, 2013

Page 7 of 7

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 DEMA 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.

The foregoing Resolution was made and moved by Bruce Bond and seconded by William Young and carried as follows: Kevin Garvey, aye; Bruce Bond, aye; William Young, aye; John Foody, aye; Robert Dell, absent; Jeffrey Golda, 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: September 18, 2013

Town of Orangetown Planning Board

Attachment



TOWN CLERKS OFFICE

2013 OCT 17 AM 10 43

TOWN OF ORANGETOWN

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

**PB #13- 37: St. Peter's and St. Paul's Church Site Plan – Final Site Plan
Approval Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision
September 18, 2013**

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: St. Peter's and St. Paul's Church Site Plan - Final Site
Plan Approval Subject to Conditions/ Neg. Dec.**

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

DESCRIPTION OF ACTION: Site Plan Review

LOCATION: The site is located at 422 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 27 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 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
2013 OCT 17 PM 10 43
TOWN OF ORANGETOWN

**PB #13-38: Dominick & White Resubdivision Plan: Preliminary Subdivision
Plan Approval Subject to Conditions/ Neg. Dec.**

Town of Orangetown Planning Board

September 18, 2013

Page 1 of 8

**TO: Donald Brenner, 4 Independence Avenue, Tappan,
New York 10983**
FROM: Orangetown Planning Board

RE: Dominick & White Resubdivision Plan: The application of Wojciech Dominik, applicant, for W. Dominik and Frederika White, owners, (Donald Brenner, attorney for the applicant), for Prepreliminary/ Preliminary/ Final Resubdivision Plan Review, at a site to be known as **"Dominick & White Resubdivision 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 110 Old Pascack Road and 21 Buchanan Street, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 68.14, Block 2, and Lots 21 & 23 in the R-15 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, September 18, 2013**, the Board made the following determinations:

Wojciech Dominik and Donald Brenner appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated September 11, 2013.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated September 18, 2013.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated September 12, 2013.
4. A letter from Rockland County Department of Planning, signed by Thomas Vanderbeek, Commissioner of Planning, dated August 14, 2013.
5. A letter from the Rockland County Department of Highways, signed by Sonny Lin, P.E., dated September 10, 2013.
6. Letters from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated August 12, 2013.
7. A letter from Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer II, dated September 11, 2013.
8. A letter from the Town of Orangetown Zoning Board of Appeals, signed by Daniel Sullivan, Chairman, dated September 11, 2013.
9. A Short Environmental Assessment Form signed by Wojciech Dominik and Frederika White, dated July 5, 2013.
10. A Subdivision Plan prepared by Robert E. Sorace, PLS, dated June 28, 2013.

TOWN CLERKS OFFICE

2013 OCT 17 AM 10 43

TOWN OF ORANGETOWN

**PB#13-38: Dominick & White Resubdivision Plan: Preliminary Subdivision
Plan Approval Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board
September 18, 2013
Page 2 of 8**

The Board reviewed the plan.

The hearing was then opened to the Public.

Public Comments:

Archie Morash, 106 Old Pascack Road, Pearl River; raised concerns regarding the impact of the proposed subdivision on the drainage to the neighborhood.

Mike Roe, 36 Fillmore Street, Pearl River; requested information regarding the location of the proposed dwelling.

William Roe, 36 Fillmore Street, Pearl River, requested information regarding the side yard setbacks of the new building lot.

A motion was made to close the Public Hearing portion of the meeting by Bruce Bond seconded by Michael Mandel and carried as follows:
Bruce Bond, aye, Kevin Garvey, aye, Michael Mandel, aye, William Young, aye, John Foody, aye, Robert Dell, absent and Jeffrey Golda, 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, aye; Bruce Bond, aye; William Young, aye; Robert Dell, absent; John Foody, aye; Michael Mandel, aye and Jeffrey Golda, 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.

TOWN CLERKS OFFICE
2013 OCT 17 PM 10 43
TOWN OF ORANGETOWN

PB#13-38: Dominick & White Resubdivision Plan: Preliminary Subdivision Plan Approval Subject to Conditions/ Neg. Dec.

Town of Orangetown Planning Board

September 18, 2013

Page 3 of 8

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 Sorace, 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 Department of Highways, Rockland County Sewer District #1, and having reviewed the Subdivision Plan by prepared by Robert Sorace, 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.

On motion by Bruce Bond and seconded by John Foody and carried as follows: Kevin Garvey, aye; Bruce Bond, aye; Robert Dell, absent; John Foody, aye; William Young, aye; Michael Mandel, and Jeffrey Golda, aye, the Board made a Negative Declaration pursuant to SEQRA.

DECISION: In view of the foregoing and the testimony before the Board, the applicant was granted a PRELIMINARY APPROVAL SUBJECT TO THE FOLLOWING CONDITIONS:

TOWN CLERKS OFFICE

2013 OCT 17 PM 10 43

TOWN OF ORANGETOWN

PB#13-38: Dominick & White Resubdivision Plan: Preliminary Subdivision Plan Approval Subject to Conditions/ Neg. Dec.

**Town of Orangetown Planning Board
September 18, 2013
Page 4 of 8**

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: "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. Since the applicant is unsure of the development plans at this time, they shall re-appear at the Planning Board upon submission of a Development Plan to the Building Department.
4. The properties are being subdivided from 2 lots to 3 lots.
5. The building envelopes shall be provided on the subdivision plan.
6. The bulk table shall include the maximum building height.
7. The proposed driveway entrance shall be shown for lot #2.
8. The following variances need to be sought from the Town of Orangetown Zoning Board of Appeals:

<u>Zoning Variance</u>	<u>Lot #1</u>
a) Minimum Lot Area	
Required is 15,000 sf.	14,808 provided
b) Minimum Side Yard	
Required is 20 f t.	14.8 existing
c) Total Side Yard	
Required is 50 ft.	38.6 provided

9. The Short Environmental Assessment Form appears to be in order.

TOWN CLERKS OFFICE

2013 OCT 17 PM 10 43

TOWN OF ORANGETOWN

**PB#13-38: Dominick & White Resubdivision Plan: Preliminary Subdivision
Plan Approval Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board
September 18, 2013
Page 5 of 8**

10. The proposed locations of a dwelling, driveway and sanitary sewer house connection shall be shown on the plan for proposed lot #2. The driveway shall be located at the southern end of proposed Lot #2.
11. A note shall be added to the plan indicating the source benchmark for the referenced datum, including the BM elevation.
12. All existing grading shall be shown for the entire subdivision.
13. Rockland County Department of Planning had the following comments which are incorporated herein as conditions of approval:
 - 1) A review must be completed by the County of Rockland Department of Highways and all required permits obtained.
 - 2) 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.
 - 3) The proposed 14.375' easement for road widening purposes shall be changed to a gratuitous dedication to the Rockland County Department of Highways.
 - 4) Land area within the road widening purposes shall not be counted toward the lot area count for proposed lot #3. This will result in having less than the required lot area for lot #3, therefore a variance will also be required for that lot.
 - 5) Map Note #8 must be correct to be in compliance with Section 239N, as Section 239K no longer exists.
 - 6) A review must be completed by the Rockland County Department of Health, and all required permits obtained.
 - 7) There shall be no net increase in the peak rate of discharge from the site at all design points.
 - 8) Prior to any grading or construction on the site, a soil and erosion control plan shall be developed that meets the New York State Guidelines for Urban Erosion and Sediment Control.
14. The Rockland County Department of Highways reviewed the plans and found that the subdivision as shown will have no foreseeable adverse impact upon County Highway in the area.
15. A Rockland County Highway Department Work Permit will be required prior to any proposed construction on Site.
16. Based on the information provided, there are no Rockland County Department of Health approvals needed for this application. Should the Town of Orangetown require a storm water management system to remediate the increase in impervious coverage, application is to be made to the Rockland County Department of Health for review of the Stormwater Management system for compliance with the County Mosquito Code.

TOWN CLERKS OFFICE

2013 OCT 17 PM 10 43

TOWN OF ORANGETOWN

PB#13-38: Dominick & White Resubdivision Plan: Preliminary Subdivision Plan Approval Subject to Conditions/ Neg. Dec.

**Town of Orangetown Planning Board
September 18, 2013
Page 6 of 8**

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. 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 Highways
- Rockland County Sewer District #1
- Rockland County Health Department
- Town of Orangetown Zoning Board of Appeals

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

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

21. 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.

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. 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:

TOWN CLERKS OFFICE

2013 OCT 17 AM 10 43

TOWN OF ORANGETOWN

PB#13-38: Dominick & White Resubdivision Plan: Preliminary Subdivision Plan Approval Subject to Conditions/ Neg. Dec.

**Town of Orangetown Planning Board
September 18, 2013
Page 7 of 8**

Continuation of Condition #23....

- 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 $\frac{3}{4}$ 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.

24. All landscaping shown on the subdivision 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.

25. 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.

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

27. 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

TOWN CLERKS OFFICE
2013 OCT 17 PM 10 43
TOWN OF ORANGETOWN

**PB#13-38: Dominick & White Resubdivision Plan: Preliminary Subdivision
Plan Approval Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board
September 18, 2013
Page 8 of 8**

Continuation of Condition #27....

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).

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

29. 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

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

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

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

Dated: September 18, 2013
Town of Orangetown Planning Board
attachment



TOWN CLERKS OFFICE
2013 OCT 17 AM 10 43
TOWN OF ORANGETOWN

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

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Regulation) of the Environmental Conservation Law.

The PLANNING BOARD, TOWN OF ORANGETOWN, as Lead Agency, has determined that the proposed action described below will not have a significant impact on the environment and a Draft Environmental Impact Statement will not be prepared.

NAME OF ACTION: Dominik & White Subdivision Plan

SEQR STATUS: Type I _____ Unlisted XXXXXX

CONDITIONED NEGATIVE DECLARATION: Yes _____ No XXXXXX

DESCRIPTION OF ACTION: Preliminary Subdivision Plan Subject to Conditions/ Neg. Dec.

LOCATION: The site is located at 21 Buchanan Street and 110 Old Pascack Road, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 68.14, Block 2, and Lots 21 & 23 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 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

2013 OCT 17 PM 10 44

TOWN OF ORANGETOWN

PB #13-25: Hayes Jr. Site Plan: Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec.

Town of Orangetown Planning Board
September 18, 2013
Page 1 of 8

TO: Donald Brenner, 4 Independence Avenue, Tappan
New York 10983
FROM: Orangetown Planning Board

RE: William J. Hayes, Jr. Site Plan: The application of William J. Hayes, Jr., owner, (Donald Brenner, attorney for the applicant) for Prepreliminary/ Preliminary/ Final Site Plan Review, at a site to be known as "**William J. Hayes, Jr. 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 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 626 Western Highway, Blauvelt, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 70.09, Block 3, Lot 41.1 in the R-15 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, September 18, 2013**, the Board made the following determinations:

Donald Brenner and William Hayes appeared and testified.

The Board received the following communications:

1. Project Review Committee Reports dated September 11 and June 5, 2013.
2. Interdepartmental memorandums from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated September 18 and June 12, 2013.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., June 6, 2013.
4. Letters from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated September 11 and May 7, 2013.
5. A letter from Rockland County Department of Planning, signed by Thomas Vanderbeek, P.E., Commissioner of Planning, dated May 31, 2013.
6. A letter from the Rockland County Department of Highways, signed by Sonny Lin, P.E., June 11, 2013.
7. Letters from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated May 13, 2013.
8. A letter from Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer II, dated June 4, 2013.
9. A letter from the Blauvelt Volunteer Fire Company, Inc. signed by David F. Schnitzer, Chief, dated April 21, 2010.
10. A letter from the Town of Orangetown Zoning Board of Appeals, signed by Daniel Sullivan, Chairman, dated May 15, 2013.
11. A Short Environmental Assessment Form signed by Donald Brenner, dated April 23, 2013.

TOWN CLERKS OFFICE

2013 OCT 17 PM 10 44

TOWN OF ORANGETOWN

PB #13-25: Hayes Jr. Site Plan: Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec.

**Town of Orangetown Planning Board
September 18, 2013
Page 2 of 8**

12. Site Plan prepared by Robert E. Sorace, PLS, dated November 19, 2012; last revised on March 28, 2013.

13. Copies of PB #12-10, Reapproval of Final Subdivision Plan Approval subject to Conditions/ Neg. Dec., dated March 28, 2012 and PB #11-05, Final Subdivision Plan Approval subject to Conditions, dated February 9, 2011.

Public Comment:

Lillian Gunther, 30 Burrows Lane, Blauvelt; raised concerns regarding the impact to area drainage due to the additional development in the neighborhood.

Frank DiCicco, 40 Burrows Lane, Blauvelt; discussed the danger of having 3 driveways meet at the same corner. He wanted to know why the demapped street off of Western Highway could not be reopened and used as access to the this new lot.

A motion was made to close the Public Hearing portion of the meeting by Bruce Bond and seconded by Jeffrey Golda and carried as follows: Bruce Bond, aye, Kevin Garvey, aye, Michael Mandel, absent, William Young, aye, John Foody, aye, Robert Dell, absent and Jeffrey Golda, 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 William Young and carried as follows: Kevin Garvey, aye; Bruce Bond, aye; William Young, aye; Robert Dell, absent; John Foody, aye; Michael Mandel, absent and Jeffrey Golda, 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 by Robert E. Sorace, PLS, and having heard from the following offices, officials and/or Departments: (Town of Orangetown): Project Review Committee, Office of

TOWN CLERKS OFFICE
2013 OCT 17 AM 10 44
TOWN OF ORANGETOWN

PB #13-25: Hayes Jr. Site Plan: Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec.

Town of Orangetown Planning Board

September 18, 2013

Page 3 of 8

Building, Zoning, Planning Administration and Enforcement and Department of Environmental Management and Engineering, and having heard from the following involved and interested agencies: Town of Orangetown Zoning Board of Appeals, Rockland County Department of Health, Rockland County Department of Highways, Rockland County Sewer District #1, and having reviewed a Plan by prepared by Robert Sorace, 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.

On motion by Bruce Bond and seconded by John Foody and carried as follows: Kevin Garvey, aye; Bruce Bond, aye; Robert Dell, absent; John Foody, aye; William Young, aye; Michael Mandel, absent, Jeffrey Golda, nay, the Board made a Negative Declaration pursuant to SEQRA.

DECISION: In view of the foregoing and the testimony before the Board, the applicant was granted a FINAL SITE PLAN APPROVAL SUBJECT TO THE FOLLOWING CONDITIONS:

1. The applicant shall comply with all pertinent and applicable conditions of PB #12-10; Reapproval of Final Subdivision Plan Approval subject to Conditions/ Neg. Dec., dated March 28, 2012 and PB #11-05, Final Subdivision Plan Approval subject to Conditions, dated February 9, 2011.

TOWN CLERKS OFFICE

2013 OCT 17 PM 10 44

TOWN OF ORANGETOWN

PB #13-25: Hayes Jr. Site Plan: Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec.

**Town of Orangetown Planning Board
September 18, 2013
Page 4 of 8**

2. 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."
3. The following note shall be placed on the Site Plan: "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."
4. The Building Envelope shall be provided on the Site Plan.
5. The Bulk Table shall include the maximum Building Height.
6. The Rear Yard Setback shall be shown from the deck.
7. A variance needs to be sought from the Town of Orangetown Zoning Board of Appeals for the following:
- | Variance | Required | Proposed |
|-------------------------|----------|----------|
| Minimum Street Frontage | 75 feet | 20 feet |
8. Item #8 of the Short Environmental Assessment Form shall be answered "No" and "Street Frontage variance is required".
9. Level spreaders, or other acceptable devices, shall be added to the ends of the proposed drywell overflows. Also, to reduce the number of overflow pipes, the applicant's engineer shall look into the possibility of locating the proposed drywells closer to each other and inter-connecting them.
10. Drainage calculations, prepared and sealed by a New York State Licensed Professional Engineer, shall be submitted to DEME for review and approval.
11. A Perc Test shall be administered at all proposed seepage pit locations, to ensure adequacy of the designed drainage system, prior to receiving final approval for site plan. The applicant's engineer shall provide a copy of the field Perc Test to DEME and the Building Department.
12. A trench drain (not a catch basin) shall be proposed for the driveway. Also, the trench drain shall be placed at the property line.

TOWN CLERKS OFFICE

2013 OCT 17 PM 10 44

TOWN OF ORANGETOWN

PB #13-25: Hayes Jr. Site Plan: Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec.

Town of Orangetown Planning Board

September 18, 2013

Page 5 of 8

13. The proposed sanitary house connection shall be shown completely (i.e. from the proposed house to the existing main.) Also, all inverts shall be given and a cleanout shown at the property line. A connection detail shall be added to the plans.
14. A profile of the proposed driveway shall be provided on the plans.
15. For silt fence to be effective, the proposed silt fence shall be depicted to run along the contours, not across them. The Subdivision Plan shall be corrected.
16. A Vicinity Map shall be provided on the Subdivision Map.
17. The Drainage Consultant to the Planning Board, Brooker Engineering reviewed the Drainage calculations and recommend that the Hayes Site Plan be approved for drainage subject to no conditions. Three drywells are proposed to provide stormwater mitigation.
18. Rockland County Department of Planning had the following comments which are incorporated herein as conditions of approval:
 - 1) As per the condition in the May 13, 2013 letter from the Rockland County Department of Health (RCDOH), an application must be submitted to RCDOH to ensure compliance with the County Mosquito Code.
 - 2) A review must be completed by the County of Rockland Department of Highways and any required permits obtained.
 - 3) 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.
 - 4) There shall be not net increase in the peak rate of discharge from the site at all design points.
19. The Rockland County Department of Highways reviewed the plans and found that the subdivision as shown will have no foreseeable adverse impact upon County Highway in the area.
20. A Rockland County Highway Department Work Permit will be required prior to any proposed construction on Site.
21. Application is to be made to the Rockland County Department of Health (RCDOH), for review of the Stormwater Management system for compliance with the County Mosquito Code.
22. 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.

TOWN CLERKS OFFICE

2013 OCT 17 PM 10 44

TOWN OF ORANGETOWN

PB #13-25: Hayes Jr. Site Plan: Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec.

**Town of Orangetown Planning Board
September 18, 2013
Page 6 of 8**

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

- Rockland County Sewer District #1
- Rockland County Health Department
- Town of Orangetown Zoning Board of Appeals
- Rockland County Department of Highways

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

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

26. 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.

27. 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:

TOWN CLERKS OFFICE
2013 OCT 17 AM 10 44
TOWN OF ORANGETOWN

PB #13-25: Hayes Jr. Site Plan: Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec.

**Town of Orangetown Planning Board
September 18, 2013
Page 7 of 8**

Continuation of Condition #27....

- 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.

28. 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.

29. 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.

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

31. 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).

TOWN CLERKS OFFICE

2013 OCT 17 PM 10 44

TOWN OF ORANGETOWN

PB #13-25: Hayes Jr. Site Plan: Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec.

Town of Orangetown Planning Board
September 18, 2013
Page 8 of 8

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

33. 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

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

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

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: September 18, 2013
Town of Orangetown Planning Board
attachment



TOWN OF ORANGETOWN
2013 OCT 17 AM 10 44
TOWN CLERKS OFFICE

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

**PB #13-25: Hayes Jr. Site Plan: Preliminary Site Plan Approval Subject to
Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board
September 18, 2013**

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: Hayes Jr. Site Plan

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

**DESCRIPTION OF ACTION: Preliminary Subdivision Plan Subject to
Conditions/ Neg. Dec.**

LOCATION: The site is located at 626 Western Highway, Blauvelt, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 70.09, Block 3, Lot 41.1 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 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
2013 OCT 17 PM 10 44
TOWN OF ORANGETOWN