

**MEETING OF FEBRUARY 27, 2013
TOWN OF ORANGETOWN PLANNING BOARD**

MEMBERS PRESENT: Kevin Garvey, Chairperson; Bruce Bond, Vice-Chairperson; William Young; Michael Mandel; Robert Dell; John Foody and Jeffrey Golda

MEMBERS ABSENT: None

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

Kevin Garvey, Chairperson, 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:

NEW ITEMS:

Columcille Site Plan Final Site Plan 78.09/1/26 & 27; LO zoning district	Final Site Plan Approval Subject to Conditions	PB #13 - 06
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The decisions of the February 13, 2013 Planning Board Meeting were reviewed, edited, and approved. The motion for adoption was made and moved by Bruce Bond and seconded by Michael Mandel and carried as follows: Kevin Garvey, aye, Bruce Bond, aye; John Foody, aye; Jeffrey Golda, aye, Robert Dell, aye; Michael Mandel, aye and William Young, aye.

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

Since there was no further business to come before the Board, a motion to adjourn the meeting was made by John Foody and seconded by Michael Mandel and agreed to by all in attendance. The meeting was adjourned at 7:45 p.m. The next Planning Board meeting is scheduled for Wednesday, March 13, 2013.

DATED: February 27, 2013

Cheryl Coopersmith

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PB #13 - 06: Columille Site Plan: Final Site Plan Approval Subject to Conditions

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

RE: Columille Site Plan: The application of Columille Properties, owner, for Final Site Plan Review (Donald Brenner, attorney for the owner), for an expansion to an existing building, at a site known as "Columille Site Plan", in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21A of the Code of the Town of Orangetown. The site is located at 348 Route 9W, Palisades, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 78.09, Block 1, Lots 26 & 27 in the LO zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **February 27, 2013** at which time the Board made the following determinations:

Donald Brenner and Peter Skae appeared and testified for the applicant. The Board received the following communications:

1. Project Review Committee Report dated February 20, 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 February 27, 2013.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., February 25, 2013.
4. A letter from Rockland County Department of Planning, signed Thomas B. Vanderbeek, P.E., Commissioner of Planning, dated February 22, 2013.
5. A letter from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated February 14, 2013.
6. A letter from the New York State Department of Transportation, signed by Mary Jo Russo, Rockland County Permit Engineer, dated December 18, 2012.
7. Site Plan prepared by Anthony Russo, P.E., dated January 3, 2013.
8. Copies of ACABOR #13-03, Approved Subject to Conditions, dated February 7, 2013 and PB #12-53, Preliminary Site Plan Approval Subject to Conditions dated December 12, 2012.
9. Architectural Plans entitled "Skae Power Solutions", prepared by Kier Levesque, R.A., dated January 18, 2013:

- A-2: New Ground Floor Plan
- A-3: East Elevation
- A-4: West Elevation
- A-5: South Elevation

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The Board reviewed the plan.

Public Comment: Laure Peek, 626 Washington Street, Tappan: asked the Board if they reviewed the plan with consideration to the eco system in the area.

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

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

1. The following note shall be placed on the Site Plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a meeting."
2. The following note shall be placed on the Site Plan regarding Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.
3. The Site Plan shall be signed and sealed by the Professional Engineer.
4. The instrument number (page and liber) as well as ownership of all existing easements shall be given on the Site Plan.
5. The parking areas/ driveway areas shall be redesigned so that they will not lead directly into the proposed addition.
6. Soil erosion and sediment control plans and details shall be submitted to DEME for review and approval.

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7. Rockland County Department of Planning had the following comments which are incorporated herein as conditions of approval:
- An updated review shall be completed by the New York State Department of Transportation and all required permits obtained.
 - There shall be no net increase in the peak rate of discharge from the site at all design points.
8. The Rockland County Department of Health (RCDOH) reviewed the plans and found that this site is served by an existing subsurface disposal system. RCDOH records show that the system was designed to accommodate 85 employees. The anticipated number of employees under this application is 86, a de minimis increase. Based on the information provided, there are no Rockland County Department of Health approvals needed for this application.
9. The New York State Department of Transportation (NYSDOT) reviewed the plans and had the following comments:
- 1) The proposed and existing details shall be better differentiated on the plans.
 - 2) The plans show an emergency gravel drive, but it is not visible in the field. Please clarify the intent. A second entrance would not be approved for this site by NYSDOT.
10. The applicant shall comply with all pertinent and applicable conditions of all previous Board Decisions: ACABOR #13-03, Approved Subject to Conditions, dated February 7, 2013 and PB #12-53, Preliminary Site Plan Approval Subject to Conditions dated December 12, 2012.
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.

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- 14. TREE PROTECTION:** The following note shall be placed on the Site Plan: The Tree Protection and Preservation Guidelines adopted pursuant to Section 21-24 of the Land Development Regulations of the Town of Orangetown will be implemented in order to protect and preserve both individual specimen trees and buffer area with many trees. Steps that will be taken to reserve and protect existing trees to remain are as follows:
- a. No construction equipment shall be parked under the tree canopy.
 - b. There will be no excavation or stockpiling of earth underneath the trees.
 - c. Trees designated to be preserved shall be marked conspicuously on all sides at a 5 to 10 foot height.
 - d. The Tree Protection Zone for trees designated to be preserved will be established by one of the following methods:
 - One (1) foot radius from trunk per inch DBH
 - Drip line of the Tree Canopy. The method chosen should be based on providing the maximum protection zone possible. A barrier of snow fence or equal is to be placed and maintained one yard beyond the established tree protection zone. If it is agreed that the tree protection zone of a selected tree must be violated, one of the following methods must be employed to mitigate the impact:
 - Light to Heavy Impacts – Minimum of eight inches of wood chips installed in the area to be protected. Chips shall be removed upon completion of work.
 - Light Impacts Only – Installation of ¾ inch of plywood or boards, or equal over the area to be protected.

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

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

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16. 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.
 17. The contractor's trailer, if any is proposed, shall be located as approved by the Planning Board.
 18. 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).
 19. Permanent vegetation cover of disturbed areas shall be established on the site within thirty (30) days of the completion of construction.
 20. 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
 21. The Planning Board shall retain jurisdiction over lighting, landscaping, signs and refuse control.
- Overrides**
The Board made a motion to override Conditions #2, #3, #5, #6 and #7 of the February 22, 2013 letter from Rockland County Department of Planning, signed by Thomas B. Vanderbeek, PE., Commissioner of Planning, for the following reasons:

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Overrides – Continued.....

#2. A review shall be completed by the Palisades Interstate Park Commission and their comments considered.

The Board held that the Palisades Interstate Park Commission had been provided with the plans. The agency did not respond to the Referral.

A motion to override the Condition #2 was made and moved by Bruce Bond and seconded by William Young and carried as follows: Bruce Bond, aye; Kevin Garvey, aye; Robert Dell, aye; Michael Mandel, aye; Jeffrey Golda, aye; William Young, aye and John Foody, aye.

#3. 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.

The Board held that the project consisted of construction on developed land, previously used as a parking area.

A motion to override the Condition #3 was made and moved by Bruce Bond and seconded by William Young and carried as follows: Bruce Bond, aye; Kevin Garvey, aye; Robert Dell, aye; Michael Mandel, aye; Jeffrey Golda, aye; William Young, aye and John Foody, aye.

#5. A landscaping plan shall be submitted for review.

The Board held that the existing landscaping on site was not impacted by the development. The Board noted that ACABOR had reviewed the landscaping surrounding the structure, and requesting additional plantings .

A motion to override the Condition #5 was made and moved by Bruce Bond and seconded by Michael Mandel and carried as follows: Bruce Bond, aye; Kevin Garvey, aye; Robert Dell, aye; Michael Mandel, aye; Jeffrey Golda, aye; William Young, aye and John Foody, aye.

#6. All existing and proposed signage shall be indicated on the Site Plan and shall conform to the municipality's sign standards.

The Board held that the existing signage would not be changed, and no new signage would be added.

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Overrides – Continued.....

A motion to override the Condition #6 was made and moved by Bruce Bond and seconded by Michael Mandel and carried as follows: Bruce Bond, aye; Kevin Garvey, aye; Robert Dell, aye; Michael Mandel, aye; Jeffrey Golda, aye; William Young, aye and John Foody, aye.

#7. A lighting plan shall be provided that shows fields of illumination. Lighting shall not shine beyond the property line or into any State highway.

The Board held that the existing lighting would not be changed, noting that the existing lighting Plan is adequate.

A motion to override the Condition #7 was made and moved by Bruce Bond and seconded by John Foody and carried as follows: Bruce Bond, aye; Kevin Garvey, aye; Robert Dell, aye; Michael Mandel, aye; Jeffrey Golda, aye; William Young, aye and John Foody, aye.

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; Michael Mandel, aye; William Young, aye; John Foody, aye; Robert Dell, aye; 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: February 27, 2013

Town of Orangetown Planning Board

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