

**MEETING OF FEBRUARY 13, 2013
TOWN OF ORANGETOWN PLANNING BOARD**

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

MEMBERS ABSENT: Michael Mandel

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:

Schuyler Associates LLC Subdivision Plan

2nd 90 Day Extension to File the Subdivision Plan at the Rockland County Clerk's Office 65.15/1/7; R-40 zoning district

PB #13-03

Granted 2nd 90 Day Extension to File the Subdivision Plat

Tracey Subdivision Plan

1st 90 Day Extension to File the Subdivision Plan at the Rockland County Clerk's Office 70.18/2/6; R-15 zoning district

PB #13-04

Granted 1st 90 Day Extension to File the Subdivision Plat

SMK-Erie Subdivision Plan

Prepreliminary/ Preliminary Subdivision Plan and SEQRA Review 70.13/1/21; R-15 zoning district

PB #13-05

Preliminary Subdivision Plan Approval Subject to Conditions/ Neg. Dec.

The decisions of the January 23, 2013 Planning Board Meeting was reviewed, edited, and approved. The motion for adoption was made and moved by John Foody and seconded by Jeffrey Golda and carried as follows: John Foody, aye; Kevin Garvey, aye, Jeffrey Golda, aye, Robert Dell, aye; Bruce Bond, aye; Michael Mandel, absent 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 Jeffrey Golda and agreed to by all in attendance. The meeting was adjourned at 8:30 p.m. The next Planning Board meeting is scheduled for Wednesday, February 27, 2013.

DATED: February 13, 2013

C. Coopersmith

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TOWN OF ORANGETOWN

PB#13- 03: Schuyler Associates LLC Subdivision – Granted 2nd 90 Day Extension to File the Subdivision with the Rockland County Clerk’s Office

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

FROM: Town of Orangetown Planning Board

RE: Schuyler Associates LLC Subdivision Plan: The application of Dan Foley, applicant, for Schuyler Associates, LLC., owner, (Donald Brenner, Attorney for the owner), for **2nd 90 Day Extension to File the Subdivision Plan** at the Rockland County Clerk’s Office, at a site to be known as “**Schuyler Associates LLC Subdivision Plan**”, in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21 of the Code of the Town of Orangetown. The site is located at 45 Schuyler Road, Nyack, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 65.15, Block 1, Lot 7 in the R-40 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, February 13, 2013**, at which time the Board made the following determinations:

Donald Brenner appeared and testified for the applicant.

The Board received the following communications:

1. Project Review Committee Report dated February 6, 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 13, 2013.
3. Interdepartmental memorandums from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated October 16 and February 7, 2013.
4. Copy of PB #12-15, Final Subdivision Plan Approval Subject to Conditions, dated April 25, 2012.

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

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PB#13- 03: Schuyler Associates LLC Subdivision – Granted 2nd 90 Day Extension to File the Subdivision with the Rockland County Clerk’s Office

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DECISION: In view of the foregoing, the Board **GRANTED** the 2nd 90 Day Extension to File the Subdivision Plan with the Rockland County Clerk’s Office.

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; Michael Mandel, absent; John Foody, aye; William Young, aye; Robert Dell, aye; and Jeffrey Golda, 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: February 13, 2013 *C Cooper Smith*
Town of Orangetown Planning Board

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PB#13-04: Tracey Subdivision – Granted 1st 90 Day Extension to File the Subdivision with the Rockland County Clerk's Office

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

FROM: Town of Orangetown Planning Board

RE: Tracey Subdivision Plan: The application of the Patricia and Michael Tracey, owners, (Donald Brenner, Attorney for the owner), for **1st Day Extension to File the Subdivision Plan at the Rockland County Clerk's Office**, at a site to be known as "**Tracey Subdivision Plan**", in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21 of the Code of the Town of Orangetown. The site is located at 525 Western Highway, Blauvelt, Town of Orangetown, Rockland County, New York and as shown on the Orangetown Tax Map as Section 70.18, Block 2, Lot 6 in the R-15 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, February 13, 2013**, at which time the Board made the following determinations:

Donald Brenner appeared and testified for the applicant.

The Board received the following communications:

1. Project Review Committee Report dated February 6, 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 13, 2013.
3. Interdepartmental memorandums from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated October 16 and February 7, 2013.
4. Copy of PB #12-36, Reapproval of Final Subdivision Plan Approval Subject to Conditions, dated July 18, 2012.

There being no one to be heard from the Public, a motion was made to close the Public Hearing portion of the meeting by Bruce Bond and second by William Young and carried as follows: Bruce Bond, aye; Kevin Garvey, aye; Michael Mandel, absent; William Young, aye; Robert Dell, aye; John Foody, aye and Jeffrey Golda, aye.

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PB#13- 04: Tracey Subdivision – Granted 1st 90 Day Extension to File the Subdivision with the Rockland County Clerk’s Office

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DECISION: In view of the foregoing, the Board **GRANTED** the 1st 90 Day Extension to File the Subdivision Plan with the Rockland County Clerk’s Office.

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; Michael Mandel, absent; John Foody, aye; William Young, aye; Robert Dell, aye; and Jeffrey Golda, 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: February 13, 2013



Town of Orangetown Planning Board

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**PB #13-05: SMK – Erie Subdivision Plan - Preliminary Site Plan Approval
Subject to Conditions; Neg. Dec.**

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

RE: SMK-Erie Subdivision Plan: The application Sean Keenan, applicant for SMK Home Builders, Inc., owner, (Robert Knoebel, attorney for the applicant), for **Preliminary/ Preliminary Subdivision Plan Review**, at a site to be known as "**SMK – Erie Subdivision Plan**", in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21 of the Code of the Town of Orangetown and to determine the environmental significance of the application pursuant to the requirements of the New York State Environmental Quality Review Act. The site is located 86 West Erie Street, Blauvelt, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 70.13, Block 1, Lot 21 in the R-15 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, February 13, 2013** at which time the Board made the following determinations:

Robert Knoebel, Sean Keenan and Jay Greenwell appeared and testified. The Board received the following communications:

1. Project Review Committee Report, dated February 6, 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 13, 2013.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated February 7, 2013.
4. A letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated February 5, 2013, with attachments.
5. A letter from Rockland County Sewer District #1, signed by Joseph LaFiandra, Engineer II, dated January 30, 2013.
6. A letter from the Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated January 9, 2013.
7. A letter from the Town of Orangetown Zoning Board of Appeals, signed by Daniel W. Sullivan, Chairman, dated January 16, 2013.
8. A Full Environmental Assessment Form, dated January 16, 2013, signed by Jay Greenwell, PLS.

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9. Subdivision Plans prepared by Jay Greenwell, PLS, LLC, dated December 12, 2012:

- Drawing 1: Subdivision of Property for SMK-Erie
 - Drawing 2: Grading Drainage & Utility Plan with Erosion Control
 - Drawing 3: Road Plan/ Profile & Details
 - Drawing 4: Details
 - Drawing 5: Erosion Control Plan
10. Submitted at the meeting, a sight distance plan, prepared by Jay Greenwell, PLS.

The Board reviewed the plans.

Public Comment:

Charlie Miller, 103 West Erie Street, raised concerns regarding the placement of the detention basin.
Ted Bascol, 110 Del Regno Court, expressed concerns regarding the decrease of privacy to his property. He also requested the removal of three trees from the site.
Lisa Sullivan, 15 Colony Drive, requested information regarding the continuation of Del Regno Court.
Brian McKieran, raised concerns regarding the detention basin and making it appear visual pleasing.

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

SEQRA

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 Jay Greenwell, PLS and the Town of Orangetown's engineering consultant, Brooker Engineering, and having heard from the following offices, officials and/or Departments: (Town of Orangetown): Project Review Committee, Zoning Board of Appeals, Office of Building, Zoning, Planning Administration and Enforcement and Department of Environmental Management and Engineering, and having

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heard from the following involved and interested agencies: Rockland County Department of Health, Rockland County Sewer and having reviewed a proposed Site Plan by prepared by Jay Greenwell, PLS, a summary of the reasons supporting this determination are, and the Planning Board finds that the proposed action:

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

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

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

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

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2. The following note shall be placed on the Subdivision Plan regarding Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.
3. The Zoning Bulk Table shall contain the proposed bulk items for each subdivision lot.
4. The Zone District shall be provided on the plans and shall be labeled on the vicinity map.
5. The minimum front yard in the Zoning Bulk Table on the Subdivision Map shall be corrected to note as "30 feet," not 50 feet.
6. The sight distance measurements for the driveway on Erie Street shall be provided on the plan.
7. The 162 and 164 contours on Lot #1, next to the North side of the roadway's hammerhead ends abruptly, while the road surface at that location are shown as 164.8 and 165.4, respectively.
8. The plans shall show how the individual roof drainage discharge for the proposed homes will be mitigated, such as drywells, etc.
9. The Full Environmental Assessment is currently under review.
10. The detention basin shall be rotated on the site. Appropriate vegetation shall be planted at the basin, subject to review and approval by the Town of Orangetown Architecture and Community Appearance Board of Review.
11. A contract limit line shall be placed along the Northerly and Easterly side of the property.
12. The applicant shall dedicate the 50 foot right of way proposed to be the extension of Private Del Regno Court. The legal document shall be submitted to DEME and the Town Attorney's Office for review and approval in substance and form.
13. The drainage calculations are currently under review by DEME.
14. The catch basins at the end of the existing temporary turnaround shall be realigned to be parallel with the new proposed road.

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- 15.** The road elevation shall be realigned so as to match more closely to the existing grades, so that a retaining wall is not needed. This will make future extension of the proposed road more feasible.
- 16.** The existing grading, into the neighboring lot at the end of the proposed temporary turn around shall be given on the plans.
- 17.** The soil erosion and sediment control plans and details are under review.
- 18.** The existing stone wall along proposed lot #3 and detention basin lot shall be removed for both ease construction and ease of future maintenance of the proposed sanitary sewer main.
- 19.** The fence at the west side of the proposed detention basin shall be relocated off of the proposed sanitary sewer main.
- 20.** Detailed information regarding the proposed storage pond/ basin shall be supplied (i.e. storage capacity at certain elevations, berm reinforcing, etc.) also, a more detailed (i.e. blow-up) plan shall be provided to show emergency spillway, vehicular access, etc.
- 21.** The proposed detention basin property shall be dedicated to the Town of Orangetown, not easemented. The legal document shall be submitted to DEME and the Town Attorney's Office for review and approval in substance and form.
- 22.** The proposed sanitary main shall be easemented to the Town of Orangetown Sewer Department, as well as an ingress and egress easement. Metes and bounds shall be provided. The easements shall be submitted to DEME and the Town Attorney's Office for review and approval in substance and form.
- 23.** The drawings shall be modified to show cleanouts on all the proposed sanitary house connections, just inside the property lines.
- 24.** The proposed sanitary manhole, at the end proposed turn around, is shown in two different locations on drawings 2 and 5. The manhole shall be located in the proposed road, as shown on drawing #5; drawing #2 shall be revised accordingly.
- 25.** Profiles for the sanitary and storm sewer lines shall be provided with the plans.

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26. The Drainage Consultant to the Planning Board, Brooker Engineering, held the application included sufficient supporting data to demonstrate that potential significant adverse to stormwater runoff could be mitigated. The consultant therefore recommended that SMK – Erie Subdivision be approved for drainage subject to the following Project Comments:

Project Description

This is the first drainage review report to the Planning Board for this project. The property is on the north side of Erie Street, just west of Pvt. Del Regno Lane. The site includes an existing house that is to remain and stormwater runoff generally flows northwest. The property is flat and mainly grass/meadow with some woods along property lines. A detention basin is proposed to provide stormwater mitigation.

Project Comments

- (1) The drainage report shall show the Point(s) of Interest being considered and the change in runoff with respect to the Point(s) of Interest. It appears that stormwater runoff that flows to the northwest corner of the property (toward Colony Drive) under existing conditions is intercepted by the new road and diverted south of the property (Erie Street) for proposed conditions. The Planning Board's Drainage Consultant had no objection to diverting stormwater runoff away from Colony Drive to Erie Street; however, it shall be demonstrated the storm drainage system in Erie Street has the capacity to receive this stormwater.
- (2) The Erosion Control Plan lists 29,675 square feet of impervious area remaining after full build out of the property. This is approximately 23.5% of the total site. NYSDEC SPDES General Permit 01-10-0001 (Appendix B, Table 1) does not require post-construction stormwater quality measures for "Single family residential subdivisions with 25% or less impervious cover at total site build out". Calculations shall be provided that demonstrate the total site impervious area of 23.5% and shall include reasonable areas for walks, patios, etc.
- (3) The drainage report shall include a drainage basin map that shows the drainage basin that is intended to be diverted to the detention basin and drainage basin that bypasses the detention basin.
- (4) A Stormwater Pollution Prevention Plan shall be prepared as per the requirements of Section B1 of the GP-0-10-001.
- (5) The foundation drain design for several of the dwellings shall be revised:
 - Proposed Lot 6 has a basement floor elevation of 162.0. The foundation drain ties into a catch basin in Erie Street that has a pipe invert of 161.09 and a 24-inch pipe. If this pipe is flowing full the basement will surcharge. It is recommended a detailed design be prepared to demonstrate that this basement will be dry in the event the 24-inch pipe is flowing full.

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Continuation of Condition #26 (5)

- The foundation drain shall be shown for Proposed Lot 3. The consultant noted this basement is at elevation 160.5 and the located close to the detention basin, which has an invert of 159.5.
 - The foundation drains for Lots 2 and 5 shall include check valves. The inverts of the footing drains shall be at a minimum at the crown of the storm drain in the new catch basin.
- (6) The grading in several areas needs revision or more detail:
- Grading in the front and side yards of Proposed Lot 5 shall be corrected as ponding will most likely occur in this area.
 - More spot grades and the swales between Lots 5 and 6 shall be added as it appears ponding will occur in this area.
 - The swale shall be shown in the front yard of Lot 6.
 - The driveway for Lot 1 shows a downhill driveway with runoff directed from the street to the backyard. A high point shall be added at the start of the driveway to prevent runoff from the street from entering the driveway.
 - A proposed elevation 168 contour shall be shown in the rear yard of Lot 4.
 - The proposed 164 contour in the front yard of Lot 1 shall be labeled 166.
 - Spot grades shall be added at all property corners and all swales shall be clearly labeled. There are several instances where swales will cross property lines so the drainage pattern shall be clearly indicated to avoid situations where homeowners build landscaping berms and trap surface runoff on neighboring properties.
- (7) The crown of the outlet pipe of the detention basin that enters the existing catch basin in Erie Street shall match the crown of the existing outlet pipe in the catch basin.
- (8) The outlet structure rim is labeled as 164.7 on the plan and 165.0 on the detail. The top of berm is 165.0. An emergency overflow along the top of berm shall be provided in the event the outlet structure is clogged that directs runoff from the detention basin and not to the property to the west or Lots 3 or 4.
- (9) The existing catch basins in the temporary turnarounds at Pvt. Del Regno Court (at the start of the road extension) are aligned with the catch basin curb pieces parallel to the existing curb to be removed. The new catch basins will require curb pieces that are parallel to the curb line of the new curb line. The catch basins will have to be realigned or replaced, which shall be noted on the plan. The southern catch basin at this location will require an oversized catch basin due to the size and angle of the pipes. This shall be added to the plan. More detail of the grading in this transition area from existing to road detail shall be added. Stormwater runoff from Pvt. Del Regno Court is currently intercepted by the existing curb at the temporary turnaround to be removed and conveyed to these catch basins. The runoff from the existing road shall not bypass these catch basins, which would most likely result in proposed detention system not functioning as designed.

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Continuation of Condition #26

(10) The detention calculations shall be expanded to include the 2-, 10-, 25-, and 50-year, 24 hour storm events.

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

a. 10 NYCRR 97.14(b) (2) (ii) of the New York Codes, Rules and regulations lists Realty Subdivisions as a Type I Action. As such, the "Short Environmental Assessment Form" cannot be used for SEQRA.

b. form application for Realty Subdivision approval is to be made to the Rockland County Health Department.

c. Application is to be made to the RCDOH for a water main extension. This application is to be made through United Water New York.

d. Separate application is to be made to the RCDOH for review of the storm water management system for compliance with the County Mosquito code.

28. 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.

29. 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.

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

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

32. 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.

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33. TREE PROTECTION: The following note shall be placed on the Subdivision Plan:

The Tree Protection and Preservation Guidelines adopted pursuant to Section 21-24 of the Land Development Regulations of the Town of Orangetown will be implemented in order to protect and preserve both individual specimen trees and buffer area with many trees. Steps that will be taken to reserve and protect existing trees to remain are as follows:

- a. No construction equipment shall be parked under the tree canopy.
- b. There will be no excavation or stockpiling of earth underneath the trees.
- c. Trees designated to be preserved shall be marked conspicuously on all sides at a 5 to 10 foot height.
- d. The Tree Protection Zone for trees designated to be preserved will be established by one of the following methods:
 - One (1) foot radius from trunk per inch DBH
 - Drip line of the Tree Canopy. The method chosen should be based on providing the maximum protection zone possible. A barrier of snow fence or equal is to be placed and maintained one yard beyond the established tree protection zone. If it is agreed that the tree protection zone of a selected tree must be violated, one of the following methods must be employed to mitigate the impact:
 - Light to Heavy Impacts – Minimum of eight inches of wood chips installed in the area to be protected. Chips shall be removed upon completion of work.
 - Light Impacts Only – Installation of $\frac{3}{4}$ 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.

34. 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.

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

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36. The contractor's trailer, if any is proposed, shall be located as approved by the Planning Board.
37. 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).
38. Permanent vegetation cover of disturbed areas shall be established on the site within thirty (30) days of the completion of construction.
39. 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
40. The Planning Board shall retain jurisdiction over lighting, landscaping, signs and refuse control.
41. The following agencies do not object to the Town of Orangetown Planning Board assuming responsibilities of lead agency for SEQRA purposes:
- Rockland County Department of Health
 - Rockland County Sewer District #1
 - Town of Orangetown Zoning Board of Appeals

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, aye; Jeffrey Golda, aye and Michael Mandel, absent.

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 13, 2013
Town of Orangetown Planning Board

C Cooper Smith

TOWN CLERKS OFFICE

2013 FEB 14 PM 12:48

TOWN OF ORANGETOWN

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: SMK – Erie Subdivision Plan Review
SEQR STATUS: Type I _____ Unlisted XXXXXX
CONDITIONED NEGATIVE DECLARATION: Yes _____ No XXXXXX

DESCRIPTION OF ACTION: Preliminary Subdivision Plan Review

LOCATION: The site is located 86 West Erie Street, Blauvelt, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 70.13, Block 1, Lot 21 in the R-15 zoning district.

REASONS SUPPORTING THIS DETERMINATION:

The Orangetown Planning Board, as Lead Agency, determined that the proposed action will not have a significant impact on the environment and a Draft Environmental Impact Statement (DEIS) will not be prepared. The reasons supporting this determination are as follows:

The project will not have a significant impact upon the environment and a DEIS need not be prepared because the proposed action does not significantly affect air quality, surface or ground water quality, noise levels or existing external traffic patterns. In addition, it will have no impact upon the aesthetic, agricultural or cultural resources of the neighborhood. No vegetation, fauna or wildlife species will be affected as a result of this proposed action. The proposed action is consistent with the Town of Orangetown's Master Plan and will not have any adverse economic or social impacts upon the Town or its businesses or residences.

If Conditioned Negative Declaration, the specific mitigation is provided on an attachment.

For Further Information contact:

John Giardiello, P.E., Director, Office of Building, Zoning and Planning
Administration and Enforcement
Town of Orangetown
20 Greenbush Road
Orangeburg, NY 10962
Telephone Number: 845-359-5100

For Type I Actions and Conditioned Negative Declarations, a copy of this notice is sent: - Commissioner, New York State Department of Environmental Conservation, - Region 3 Headquarters, NYSDEC,- Town Supervisor, Applicant, Involved Agencies

TOWN CLERKS OFFICE

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TOWN OF ORANGETOWN