

Meeting of October 16, 2013
Town of Orangetown Planning Board

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

MEMBERS ABSENT: Bruce Bond, Vice-Chairman

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, 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:

New Items:

Artist's Studio Site Plan PB #13 - 39

Preliminary/ Preliminary/

Final Site Plan Approval

Final Site Plan and SEQRA Review

Subject to Conditions

77.15 / 1 / 32;

Neg. Dec.

LIO (CO, CS) zoning district

Walgreens Site Plan

PB #13 - 40

Consultation

Consultation

77.15 / 1 / 24; CS zoning district

Brereton & Messina Resubdivision Plan

PB #13 - 41

Preliminary/ Preliminary/ Final

Final Subdivision Approval

Resubdivision Plan

Subject to Conditions

and SEQRA Review

Neg. Dec.

68.16 / 4 / 30 & 31; RG zoning district

Heaton Fitzgerald Subdivision

PB #13 - 42

Recommendation to the Town Board

Recommended to the

to Release the Performance Bond

Town Board to Release the

77.14 / 1 / 5; R-15 zoning district

Performance Bond

Virginia Homes Subdivision Plan

PB #13 - 43

Final Subdivision Plan Review

Final Subdivision Approval

77.08 / 5 / 33.2 & 36; RG zoning district

Subject to Conditions

Kopunek Subdivision Plan

PB #13 - 44

Final Subdivision Plan Review

Final Subdivision Approval

77.06 / 2 / 69; R-15 zoning district

Subject to Conditions

The decisions of the September 18, 2013 Planning Board Meeting was reviewed, edited and approved. The motion for adoption was made and moved by William Young and seconded by Michael Mandel and carried as follows: John Foody, aye; Kevin Garvey, aye, Jeffrey Golda, aye, Robert Dell, abstain; Bruce Bond, absent; Michael Mandel, aye and William Young, aye.

TOWN CLERKS OFFICE

2013 NOV 18 PM 1 02

TOWN OF ORANGETOWN

October 16, 2013 Planning Board Meeting

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 William Young and seconded by Jeffrey Golda and agreed to by all in attendance. The meeting was adjourned at 8:40 p.m. The next Planning Board meeting is scheduled for Wednesday, November 13, 2013.

DATED: October 16, 2013



Town of Orangetown Planning Board

PB Members	Asst. Ex. Asst. Sup.	OBZPAE	DEME
TB	Supervisor	PRC	Rec & Park
Highway	Town Attorney's Of	Fire	
R&O	Stenog	Applicant	
Interoffice Mail (Town Clerk)	DEC		

TOWN OF ORANGETOWN
2013 NOV 18 PM 1 02
TOWN CLERKS OFFICE

PB #13-39: Artist's Studio Site Plan– Final Site Plan Approval Subject to Conditions/ Neg. Dec.

**Town of Orangetown Planning Board Decision
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**TO: Walter Aurell, 171 Kings Highway, Orangeburg, New York
FROM: Orangetown Planning Board**

RE: Artist's Studio Site Plan: The application of Walter Aurell, applicant, for Sean Scully, owner, for Preliminary/ Preliminary/ Final Site Plan Review at a site to be known as "**Artist's Studio 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 183 Oak Tree Road, Tappan, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 77.15, Block 1, Lot 32 in the LIO (CO, CS) zoning districts.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, October 16, 2013**, the Board made the following determinations:

Walter Aurell appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated October 9, 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 October 16, 2013.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated October 10, 2013.
4. A letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated October 16, 2013.
5. A letter from the Rockland County Department of Planning, signed by Thomas Vanderbeek, Commissioner of Planning, dated September 24, 2013.
6. A letter from the Rockland county Department of Highways, signed by Joseph Arena, Senior Engineering Technician, dated October 8, 2013.
7. Letters from the Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated September 19, 2013.
8. An interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by Michael Bettmann, Chief, dated September 26, 2013, with an attachment of FD 103, Fire Code Access and Turn-arounds.
9. A letter from the State of New York Department of Transportation, signed by Mary Jo Russo, P.E., Rockland County Permit Engineer, dated September 19, 2013.
10. A letter from the Town of Orangetown Zoning Board of Appeals, signed by Daniel W. Sullivan, dated September 25, 2013.

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11. A letter from Tennessee Gas Pipeline Company, LLC, signed by James Hartman, Agent Right of Way, SRII, dated September 25, 2013.
12. A Short Environmental Assessment Form, signed by Walter Aurell.
13. A Site Plan prepared by John A. Loch, P.E., dated August 8, 2013, entitled Site Plan Prepared for Neo Neo, Inc.
14. A letter to the Planning Board signed by Walter C. Aurell, CPLA Architects, regarding Proposed Studio, 183 Oak Tree Road, Tappan, New York.

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

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 John A. Loch, P.E. and having heard from the following offices, officials and/or Departments:

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(Town of Orangetown): Project Review Committee, Office of Building, Zoning, Planning Administration and Enforcement, and the 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 Department of Health, New York State Department of Transportation, and having reviewed the proposed Site Plan prepared by John A. Loch, P.E., 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 William Young and seconded by Jeffrey Golda and carried as follows: Kevin Garvey, aye; Bruce Bond, absent; Robert Dell, aye; John Foody, aye; William Young, aye; Michael Mandel, 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 A FINAL SITE PLAN APPROVAL SUBJECT TO THE FOLLOWING CONDITIONS:

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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. 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. Parking calculations shall be provided with the total number of spaces to remain and labeled on the Site Plan. The land banked parking spaces that will be removed shall be noted and the Site Plan shall be modified.
4. The Short Environmental Assessment Form appears to be in order.
5. A SWPPP, including drainage calculations shall be prepared for this Site Plan, and submitted to DEME for review and approval.
6. The existing sanitary building connection shall be shown on the Site Plan.
7. Soil erosion and sediment control plans and details shall be submitted to DEME for review and approval
8. All modifications to the existing drainage system shall be shown on the Site Plan.
9. The applicant shall make application to appear in front of the Town of Orangetown Architecture and Community Appearance Board of Review for review and approval of the Site and Architectural Plans.
10. The Drainage Consultant to the Planning Board reviewed the submitted information and found that in their opinion, the application successfully mitigates potential significant adverse impacts with respect to drainage and therefore recommends that the Artists' Studio Site Plan be approved for drainage subject to following Project Comments.

The property is located on the south side of Oak Tree Road and slopes downhill to the southeast. Portions of the Sparkill Creek floodplain are on the property. The application is proposing to remove portions of the parking lot for the proposed artists' studio use. Approximately 13,000 square feet of impervious area is proposed to be removed and replaced with vegetation. No stormwater quality or quantity measures are proposed and none are required.

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Continuation of Condition #10....

Project Comments

1. Show the 100-year floodplain delineation of the Sparkill Creek on the property.
2. Verify if a permit from the Rockland County Drainage Agency is required.
3. Provide an elevation certificate for the existing building.
4. Surface water runoff from the front parking lot currently flows in an easterly direction to a single existing catch basin at the low point in the eastern corner of the parking lot. This catch basin then discharges to a swale along the east property line. This catch basin is located in the portion of the parking lot to be removed and the new curb line will impede surface runoff from the remaining parking area from flowing to the existing catch basin. Proposed grading shall be shown for the new curb line along the perimeter of the reduced parking area. The new low point shall be identified and provisions for drainage of the parking area shall be shown. The curb piece frame and grate from the existing catch basin shall be removed and a new flat frame and grate shall be provided.
5. A map note shall be added that Planning Board drainage review is required in the event that the parking areas that are being removed for this application are proposed to be rebuilt in the future.
6. Provide sediment and erosion control measures.

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

- 1) A review shall be completed by the Rockland County Drainage Agency and any required permits obtained.
- 2) A review shall be completed by the United States Army Corps of Engineers and any required permits obtained.

12. The Rockland County Department of Highway reviewed the material provided and found the proposed action will have no foreseeable adverse impact upon County Roads in the area. A Work Permit will not be required for the proposed construction and will not require any further correspondence associated with this improvement project.

13. The Rockland County Department of Health reviewed the information provided and found that no Rockland County Department of Health approvals are needed for this application.

14. The Town of Orangetown Bureau of Fire Prevention had the following comments which are incorporated herein as conditions of approval:

- a. Upgrade the Fire Alarm System to an NFPA 72 compliant Fire Alarm, connected to Rockland County 44-Control, with Amber and Red Strobes as per Town of Orangetown Town Code.

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Continuation of Condition #14....

- b. Maintain the Fire Sprinkler System according to NFPA 25.
- c. Install Portable Fire Extinguishers as per NFPA 25.
- d. Provide Emergency Lighting as per NEC.
- e. Install a Key Box, application to be provided by the Town of Orangetown Bureau of Fire Prevention.
- f. Apply for and maintain a Certificate of Compliance of Fire Safety with the Town of Orangetown Bureau of Fire Prevention.
- g. The length of the Fire Access may require a turn-around. The Tappan Fire District does not condone the use of a "T" turn-around.

15. Tennessee Gas Pipeline Company grants approval of the studio and office conversion of an existing building provided the specific conditions are adhered to as noted in the letter dated September 25, 2013, and in the agreement of construction activities within the confines of the easement area.

16. The New York State Department of Transportation reviewed the information submitted and feel the project will have no significant impact on the state transportation system. The Department has no further comments on the proposed subject property.

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

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

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

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

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

- a. No construction equipment shall be parked under the tree canopy.
- b. There will be no excavation or stockpiling of earth underneath the trees.
- c. Trees designated to be preserved shall be marked conspicuously on all sides at a 5 to 10 foot height.
- d. The Tree Protection Zone for trees designated to be preserved will be established by one of the following methods:

- One (1) foot radius from trunk per inch DBH.
- Drip line of the Tree Canopy. The method chosen should be based on providing the maximum protection zone possible. A barrier of snow fence or equal is to be placed and maintained one yard beyond the established tree protection zone. If it is agreed that the tree protection zone of a selected tree must be violated, one of the following methods must be employed to mitigate the impact:
- Light to Heavy Impacts – Minimum of eight inches of wood chips installed in the area to be protected. Chips shall be removed upon completion of work.
- Light Impacts Only – Installation of $\frac{3}{4}$ 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.

22. 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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23. 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.
24. The contractor's trailer, if any is proposed, shall be located as approved by the Planning Board.
25. 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).
26. Permanent vegetation cover of disturbed areas shall be established on the site within thirty (30) days of the completion of construction.
27. 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
28. The Planning Board shall retain jurisdiction over lighting, landscaping, and signs and refuse control.
- The foregoing Resolution was made and moved by William Young and seconded by John Foody and carried as follows: Kevin Garvey, aye; Bruce Bond, absent; William Young, aye; John Foody, aye; Robert Dell, aye, Michael Mandel, aye and Jeffrey Golda, aye.

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

**Dated: October 16, 2013
Town of Orangetown Planning Board**
attachment

Cheryl Cooper Smith
TOWN CLERKS OFFICE

2013 NOV 18 PM 1 03

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: Artist's Studio 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 183 Oak Tree Road, Tappan, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 77.15, Block 1, Lot 32 in the LIO (CO, CS) zoning districts.

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

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PB #13-40: Walgreens Site Plan: Consultation

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**TO: Thomas Tourso, Landmark, Tappan, LLC, 392 Main Street,
Wyckoff, New Jersey 07481**

FROM: Orangetown Planning Board

RE: Walgreen's Site Plan: The application of Landmark Tappan, LLC, applicant, for Super Power, Inc., owner, for a Site Plan Consultation at a site to be known as "**Walgreen's Site Plan**", in accordance with Article 16 of the Town of 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 81 Route 303, Tappan, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 77.15, Block 1, Lot 24 in the CS zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, October 16, 2013**, the Board made the following determinations:

Thomas Tourso, Andy Del Vecchio, and Robert Freud appeared and testified The Board received the following communications:

1. A Project Review Committee Report dated October 9, 2013.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, dated October 16, 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 October 10, 2013, signed by Bruce Peters, P.E.
4. Narrative entitled Walgreens Tappan New York, prepared by Landmark Tappan, LLC., attachment of photographs of existing conditions of site.
5. Conceptual Plan "A", prepared by Dynamic Engineering, dated August 27, 2013.
6. Submitted at the meeting by the applicant, Conceptual Site Plan Rendering, prepared by Dynamic Engineering, dated October 16, 2013.

The Board reviewed the plan.

Public Comments:

Tom Jones, 165 Oak Tree Road, Tappan; raised concerns regarding the impact of the lighting from the project site onto his property. He also held that Oak Tree Road had significant traffic problems and that the additional development would only further increase congestion to area roadways.

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

1. The property lies within a CS zone district and the Route 303 Overlay Zone.
2. The use of the mezzanine shall be disclosed such as all storage, combination of office and storage, etc.

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PB #13-40: Walgreens Site Plan: Consultation

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3. A variance from the Town of Orangetown Zoning Board of Appeals shall be required for the number of parking spaces and that more than 35% are within the front yard of Route 303 (Route 303 Overlay). The Bulk Table shall show the parking requirements.
4. The residential buffer is not required for the rear property line since it does not adjoin or lie within 25 feet of the residential zone district. Therefore the actual rear yard setback shown for the proposed building is 55 feet. However, the Route 303 Overlay Zone does require a 25 foot minimum "Vegetative Buffer" adjacent to a residential use. Please label the Site Plan as such.
5. The applicant shall provide a 25 foot vegetative buffer along Route 303 in accordance with the Route 303 Overlay Zone.
6. The Route 303 Overlay Zone requires additional items that need to be addressed. Please review Section 13-10, "Nonresidential areas", Chapter 43 for more information.
7. No outdoor loading berths are permitted except by the Planning Board of Zoning Board of Appeals. (Note 6, Column 7, Table of General Use Regulations, CS District).
8. The dumpster location shall be shown on the Site Plan.
9. The Site Plan and Architectural Plans shall be reviewed by the Town of Orangetown Architecture and Community Appearance Board of Review.
10. The proposed sanitary building connection shall be shown on the Site Plan.
11. A SWPPP, including drainage calculations, shall be prepared for this Site Plan, and submitted to DEME for review and approval.
12. Soil erosion and sediment control plans and details shall be submitted to DEME for review and approval.
13. Copies of all correspondence, including any and all approvals, with the New York State Department of Environmental Conservation, New York State Department of Transportation, Rockland County Department of Health, etc., in connection with this proposed Site Plan, which shall be supplied to the Planning Board and to DEME, **prior to signing the map.**

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14. Due to the multiple turning movement conflicts created by the proposed two lane exist and its proximity to the intersection of Route 303 and Oak Tree Road, the proposed entrance/ exit along Route 303 shall be revised to be an entrance only for safety reasons.

15. Typical details shall be included with the drawings (i.e. catch basin, curbing, pavement, etc.)

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: October 16, 2013

Town of Orangetown Planning Board

Cheryl Coopersmith

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PB #13-41: Brereton and Messina Resubdivision Plan: Final Resubdivision Plan Approval Subject to Conditions/ Neg. Dec.

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**TO: Sarah Brereton, 53 North Williams Street, Pearl River,
New York 10965**

FROM: Orangetown Planning Board

RE: Brereton & Messina Resubdivision Plan: The application of Sarah and Peter Brereton, applicants, for Sarah and Peter Brereton and Sharon Messina, owners, regarding a lot line change for Preliminary/ Preliminary/ Final Resubdivision Plan Review at a site to be known as “**Brereton & Messina 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 53 and 55 North Williams Street, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 68.16, Block 4, Lots 30 & 31 in the RG zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, October 16, 2013**, the Board made the following determinations:

Sarah and Peter Brereton and Jack Messina appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated October 9, 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 October 16, 2013.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated October 10, 2013.
4. Letters from the Rockland County Department of Highways, signed by Joseph Arena, Senior Engineering Technician, dated October 8, 2013.
5. A letter from the Rockland County Drainage Agency, signed by Vincent Altieri, Executive Director, dated September 30, 2013.
6. Letters from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated September 20 & 23, 2013.
7. A letter from the New York State Department of Environmental Conservation, signed by Janet Swentusky, Environmental Program Specialist 1, Region 3, dated September 23, 2013.

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8. A letter from the Town of Orangetown Zoning Board of Appeals, signed by Daniel Sullivan, Chairman, dated September 25, 2013.
9. A Short Environmental Assessment Form signed by Sarah Brereton, dated September 11, 2013.
10. A Subdivision Plan prepared by Robert E. Sorace, PLS, dated September 9, 2013.

The Board reviewed the plan.

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

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

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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 Drainage Agency, Rockland County Department of Highways, 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;
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- 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 William Young and seconded by Michael Mandel and carried as follows: Kevin Garvey, aye; Bruce Bond, absent; Robert Dell, aye; 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 application was GRANTED A FINAL APPROVAL SUBJECT TO THE FOLLOWING CONDITIONS:

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1. The following note shall be placed on the Resubdivision 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 Resubdivision 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. The following variances need to be sought from the Town of Orangetown Zoning Board of Appeals:

		<u>LOT #30 (Brereton)</u>		
<u>Variance</u>		<u>Existing</u>	<u>Proposed</u>	
a) Minimum Lot Area	Required is 10,000 sf.	7,444 sf.	9,495 sf.	
b) Minimum Lot Width	Required is 75 ft.		56 ft.	
c) Minimum Total Side Yard	Required is 30 ft.		28.1 ft.	
d) The existing Storage Building on Lot #30 requires 5 feet from rear and side lot lines and 3 feet and 2 feet are proposed.				

- | | | <u>LOT #31 (Messina)</u> | | |
|-----------------------------|---------------------|--------------------------|--|--|
| <u>Variance</u> | | <u>Existing</u> | | |
| a) Minimum Rear Yard | Required is 25 feet | 10.7 ft. | | |
4. The Short Environmental Assessment Form shall be answered as indicated below:
 - Item #7 shall indicate the entire land area initially and ultimately, such as 0.59 acres for both.
 - Item #8 shall be answered "No" and "Zoning Board of Appeals variances required".

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5. The existing sanitary sewer house connections shall be shown on the Resubdivision Plan.
6. 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.
7. Based on the information provided, there are no Rockland County Department of Health approvals needed for this application
8. The current proposal is for a lot line change. The Rockland County Stream Control Act, Chapter 846 requires that all subdivision maps must be signed by the Chairman of the Rockland County Drainage Agency before the Rockland County Clerk will accept same for filing.
9. 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 Health Department
 - Rockland County Drainage Agency
 - Town of Orangetown Zoning Board of Appeals

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

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

12. All of the conditions of this decision, shall be binding upon the owner of the subject property, its successors and /or assigns, including the requirement to maintain the property in accordance with the conditions of this decision and the requirement, if any, to install improvements pursuant to Town Code §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.

13. 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:

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- 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.

14. 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.

15. 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.

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

17. 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

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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).

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

19. 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

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

The foregoing Resolution was made and moved by William Young and seconded by Michael Mandel and carried as follows: Kevin Garvey, aye; Bruce Bond, absent; William Young, aye; John Foody, aye; Michael Mandel, 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: October 16, 2013
Town of Orangetown Planning Board**

Cheryl Capersmith

attachment

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**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: Brereton and Messina Resubdivision Plan:

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

DESCRIPTION OF ACTION: Final Resubdivision Plan Approval Subject to Conditions/ Neg. Dec.

RE: Resubdivision Plan

LOCATION: The site is located at 53 and 55 North Williams Street, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 68.16, Block 4, Lots 30 & 31 in the RG 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

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PB #13-42: Heaton Fitzgerald Subdivision: - Recommendation to the Town Board to Release the Performance Bond

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TO: Kevin Ramsay, 572 Route 303, Blauvelt, New York 10913
FROM: Orangetown Planning Board

RE: Heaton Fitzgerald Subdivision Performance Bond: The application of Kevin Ramsay, owner, for a Recommendation to the Town Board to Release the Performance Bond, at a site known as “**Heaton Fitzgerald Subdivision**”, 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 Main Street, Tappan, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 77.14, Block 1, Lots 5.1, 5.2, & 5.3 in the R-15 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, October 16, 2013**, at which time the Board made the following determination:

The Board received the following communications:

1. Interdepartmental memorandum signed by John Giardiello, P.E., Director of the Office of Building, Zoning and Planning Administration and Enforcement, Town of Orangetown, dated October 16, 2013.
2. Interdepartmental memorandum signed by James Dean, Superintendent, Town of Orangetown Highway Department, dated August 6, 2013 and Joseph Moran, P.E., Commissioner, Department of Environmental Management and Engineering/Sewer Department, dated August 13, 2013.
3. PB # 06-85, Request for Second 90 Day Extension to File the Subdivision Plan and Recommendation to the Town Board to Establish the Value and Term of the Performance Bond dated November 8, 2006.

The Board reviewed the request.

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

RECOMMENDATION: In view of the foregoing, the Planning Board Recommended to the Town Board to Release the Heaton Fitzgerald Subdivision Performance Bond.

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

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

Dated: October 16, 2013
Town of Orangetown Planning Board



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

RE: Virginia Homes Subdivision Plan: The application of Kevin J. Ramsay, owner, for Final Subdivision Plan Review of a 7 lot subdivision, at a site to be known as “**Virginia Homes 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 on the South side of William Street at the intersection of William Street and Sparkill Avenue, Sparkill, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 77.08, Block 5, Lots 33.2 & 36 in the RG zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **October 16, 2013**, at which time the Board made the following determinations:

Jay Greenwell and Kevin Ramsay appeared and testified.

The Board received the following communications:

1. A Project Review Committee Report dated October 9, 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 October 16, 2013.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering, (DEME) Town of Orangetown, signed by Bruce Peters, P.E., dated October 10, 2013.
4. A letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated October 2, 2013, with attachments.
5. A letter from the Rockland County Department of Planning, signed by Thomas B. Vanderbeek, P.E., Commissioner of Planning, dated September 23, 2013.
6. A letter from the Rockland County Department of Highways, signed by Sonny Lin, P. E., dated September 12, 2013.
7. A letter from the Rockland County Drainage Agency, signed by Vincent Altieri, Executive Director, dated September 18, 2013.
8. A letter from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated September 3, 2013.
9. A letter from the New York State Department of Environmental Conservation, Division of Environmental Permits, Region 3, signed by Rebecca Crist, Environmental Analyst, dated September 4, 2013.

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10. An interdepartmental memorandum from the Superintendent of Highways, Town of Orangetown, signed by James J. Dean, dated September 26, 2013, with the following attachments;
 - interdepartmental memorandum to the Planning Board Chairman dated September 21, 2012
 - Example of Veteran's Road Sign Dedication
 - Copy of letter to John Murphy, dated May 4, 2009 signed by James Dean, requesting street name for First Class Jesse Goswick
 - Backup letters and service records of Mr. Goswick
11. A Drainage Report prepared by Paul J. Petretti, P.E., dated May 2012, last revision date of June 6, 2013.
12. Subdivision Plans prepared by Jay Greenwell PLS, dated May 10, 2012:
 - Sheet 1: Subdivision of Property, revised July 17, 2013
 - Sheet 2: Grading, Drainage & Utility Plan, revised July 17, 2013
 - Sheet 3: Plan and Profiles, revised July 17, 2013
 - Sheet 4: Construction Details, revised July 17, 2013
 - Sheet 5: Sanitary Sewer, revised July 17, 2013
 - Sheet 6: Stormwater Pollution Prevention Plan (SWPPP) and Erosion & Sediment Control Plan (E & SCP) and Tree Plan, revised July 17, 2013
 - Sheet 7: United Water New York Water Main Extension Details
13. Copies of the following Board Decisions: ACABOR #13-15, Approved Subject to Conditions, dated April 4, 2013 and PB #12-37, Preliminary Subdivision Plan Approval Subject to Conditions / Neg. Dec., dated September 24, 2012.

The Board reviewed the Subdivision Plan.

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

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

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

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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 applicant shall comply with all pertinent and relevant conditions of all previous Board Decisions: ACABOR #13-15, Approved Subject to Conditions, dated April 4, 2013 and PB #12-37, Preliminary Subdivision Plan Approval Subject to Conditions/ Neg. Dec., dated September 24, 2012.
4. The Board suggested that the Contract Limit Line of Lot #3 be increased to 25 feet on the south side of the lot.
5. The rim and invert elevations for all proposed sanitary sewer manholes shall be shown on the Subdivision Plan.
6. A note shall be added to the plans on Lots #3 and #7, that gravity house connections are not available to the lots and a private sanitary pumping system is required, and the maintenance of the pumping systems shall be the responsibility of the individual home owners.
7. A Stormwater Pollution Prevention Plan is required for this subdivision. The SWPPP shall carefully define the sequence of construction especially as it relates to the use of the existing detention basin for both uses as a sediment trap and the completed/ altered basin required for the additional runoff for the subdivision.
8. The revised drainage calculations are currently under review by DEME.
9. The soil erosion and sediment control plans and details are under review by DEME.
10. The proposed sanitary mains and manholes shall be labeled on the profile (drawing #3). The applicant's engineer shall consider separating the storm and sanitary lines into separate profiles (for ease of review).
11. A detail for the connection to the existing sanitary manhole on William Street shall be added to the plans.
12. The proposed private sanitary pumping systems for Lots #3 and #7 shall meet ten state standards and NYSDEC requirements (i.e. 24 hour storage, maintenance, etc). Also, the applicant shall ensure that a maintenance agreement between the purchaser of said lots and a pump maintenance company shall be in place at the time of the sale of the lot for a minimum of one year. **This information shall be provided to DEME prior to the signing of the Subdivision map.**

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13. A demolition permit is required to remove the existing dwelling on Lot #4. This shall be done prior to the signing of the subdivision map.
14. The planting circle in the cul-de-sac at the end of the road way is appropriate and shall be installed. The entire planting circle at the end of the development roadway shall be a No Parking Fire Zone. Signage shall be in place before the Certificate of Occupancy's are issued for the houses in the circle.
15. The Drainage Consultant to the Planning Board, Brooker Engineering, held that the information provided demonstrates that potential significant adverse environmental impacts to stormwater quantity can be addressed by utilization and modification of the existing stormwater management basin. The Consultant therefore recommends that the Virginia Homes Subdivision be approved for drainage subject to the following Project Comments:

Project Background:

This is Brooker Engineering's second drainage review report to the Planning Board for this project; the last review was dated July 24, 2012. The property is located on the south side of William Street, just southeast of the intersection of William Street and Washington Street. The property slopes downhill to the south in the direction of the Sparkill Creek. The 100-year floodplain of the Sparkill Creek is near the southern limits of the site; the floodplain encroaches on the perimeter of Lots 2 and 3. No development is proposed to encroach within the regulated floodplain.

The site utilizes an existing detention basin just south of proposed Lot 7. This detention basin was constructed as part of the adjacent "Graney Gardens subdivision" east of the Rail Trail. The detention basin as described in the drainage report for Virginia Homes Subdivision was overgrown and in need of maintenance. At the time of the site visit, the maintenance of this basin had been performed. The drainage basin parcel was cleared of debris and overgrowth and appeared oversized in terms of being able to accommodate stormwater runoff from the Virginia Homes Subdivision to achieve "no net increase in peak runoff rates". The detention basin is owned by the Town of Orangetown; any modifications to this basin would require approval from Orangetown DEME in terms of maintenance with respect to updated NYSDEC requirements. Utilizing this basin as a stormwater management basin appears to be a practical solution to meet stormwater management requirements and efficiently enact maintenance by the Town of Orangetown.

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Continuation of Condition #15...

Project Comments:

- 1) Detailed grading and additional spot grades shall be provided where the new road intersects William Street. The proposed road profile shows the new road sloping up, away from William Street, which may result in puddling at the southern corner in the bend at William Street. Additional catch basins may be needed to prevent puddling. Spot grades shall be added at the crown in the road and along the edge of pavement. The western curb line at the entrance of the new road to William Street shall be clearly shown and spot grades added that shows the direction of flow of stormwater runoff.
- 2) As per the Drainage Consultant's July 24, 2013 report, the "stone retaining wall to be removed" on Lot 5 is a check dam located in a drainage swale. This area most likely historically experienced higher stormwater runoff, which may have been used to create a ponding effect. Off-site runoff to this location shall be analyzed to confirm that no intermittent stream is present at this location, which may impact the future homeowner's use of the backyard. The drainage pattern at this location may have been altered so that the check dam is no longer of significance; however, this shall be confirmed by the applicant's engineer. Additionally, the current plans state the check dam is to be removed while the May 2012 Drainage Report states the check dam is to act as a water quality practice (page 3 of the Conclusions and Recommendations). This shall be reconciled.
- 3) Proposed grading is shown south of the property on Town of Orangetown property. This shall be approved by the Town of Orangetown.
- 4) Rim and invert elevations for the proposed drainage structures shall be added on the "Grading, Drainage & Utility Plan".
- 5) The routing calculations shall clearly show the on-site and off-site drainage basins that enter the detention basin and route these flows accordingly. A drainage basin map supporting this shall be included in the Drainage Report.
- 6) The "catchment areas" map on the drainage report plan shall show proposed grading to assist in review of the catchment area delineation. The catchment areas shall contain a description to describe their purpose. The nexus between the catchment areas on this plan and the hydrologic model shall be provided to assist in the review of the hydrologic modeling contained in the drainage report.
- 7) The drainage report shall clearly show the point of interest being analyzed, the existing conditions runoff and the proposed conditions peak runoff rates for the design storms. The type of Best Management Practice as per NYSDEC regulations for the proposed modifications for the Stormwater Management Pond shall be identified in the Drainage Report and all requirements addressed.

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- 8) The erosion control plan shall be developed to include the proposed phasing plan and other recommended methods by the NYSDEC, included check dams, sedimentation basins, etc.
16. Rockland County Department of Planning had the following comments which are incorporated herein as conditions of approval:
- As indicated in the Rockland County Department of Highways letter dated September 12, 2013, a work permit must be obtained prior to any construction on site.
 - 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.
 - As indicated in the July 19, 2012 letter from the Rockland County Drainage Agency, a permit from that agency will be required.
 - A review shall be completed by the United States Army Corps of Engineers and all required permits obtained.
 - The Conservation Easement must be described on the individual lot deeds for the impacted lots, so that the future owners know of its existence and the limitation of the easements, such as no grading, fill or structures within its boundaries. Boulders or some other boundary markers should be used to delineate the area to be left in its natural state.
 - An updated review must be completed by the County of Rockland of Health, and all required permits obtained.
 - Public sewer mains requiring extensions within a right of way or an easement shall be reviewed and approved by the Rockland County Department of Health prior to construction.
 - Water is a scarce resource in Rockland County; thus proper planning and phasing of this project are critical to supplying the current and future residents of the Towns, Villages, and County with an adequate supply of water. All major subdivision, i.e., those with five or more lots, must be reviewed and approved by the Rockland County Department of Health (RCDOH) prior to filing with the County Clerk. RCDOH is mandated by NYS law to ensure that such subdivision will have both an adequate and satisfactory water supply and adequate and satisfactory sewage facilities. RCDOH must also review and approved all public water supply

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Continuation of Condition #16...

- improvements, e.g., water main extensions, including those required to serve a proposed major subdivision. In order to complete an application for approval of plans for public water supply improvements, the water supplier must supply an engineer's report pursuant to the "Recommended Standards for Water Works, 2003 Edition," that certifies their ability to serve the proposed project while meeting the criteria contained within the Recommended Standards for Water Works. These standards are adopted in their entirety in 10 NYCRR, Subpart 5-1, and the New York State regulations governing public water systems. Both the application and supporting engineer's report must be signed and stamped by a NYS licensed professional engineer and shall be accompanied by a completed NYS Department of Health Form 348, which must be signed by the public water supplier. Further, both the application and supporting engineer's report must be signed and stamped by a NYS licensed professional engineer and shall be accompanied by a completed NYS Department of Health Form 348, which must be signed by the public water supplier.
- 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 New York State Guidelines for Urban Erosion and Sediment Control.
- There shall be no net increase in the peak rate of discharge from the site at all design points.

17. 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.

18. The new street name shall be "Goswick Court", named after Private First Class Jesse Goswick, a World War II Veteran.

19. Rockland County Department of Highways found the proposed project as submitted shall have a de minimis impact to county roads in the area.

20. A Rockland County Highway Department Work Permit will be required prior to any proposed construction on site.

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21. Rockland County Health Department (RCDOH) reviewed the plans and found the applicant must complete the following actions:

- a. Submit a formal application for Realty Subdivision Approval to RCDOH,
 - b. Application is to be made to RCDOH for a water main extension. This application is to be made through United Water New York, and
 - c. Separate application is to be made to the RCDOH for review of the storm water management system for compliance with the County Mosquito Code.
- 22.** Based upon Rockland County Drainage Agency (RCDA) evaluation of available mapping and information submitted, the site has been determined to be within the jurisdiction of the RCDA. Accordingly, a permit from the RCDA pursuant to the Rockland County Stream Control Act is required. Please have the applicant submit an application to RCDA immediately. Please be advised that Rockland County Stream Control Act, Chapter 846, required that all subdivision maps must be signed by the Chairman of the Rockland County Drainage Agency before the Rockland County Clerk will accept same for filing.

In addition, a portion of the site appears to be located within mapped federal wetlands. The RCDA suggests that the U.S. Army Corps of Engineers be contacted and requested to make a jurisdictional determination regarding the proposed activity.

23. The applicant shall apply to the New York State Department of Environmental Conservation for the needed permits as noted in the letter dated September 4, 2013.

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

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

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27. 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 ¼ 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 Subdivision plan shall be maintained in a vigorous growing condition throughout the duration of the use of this site. Any plants not so maintained shall be replaced with new plants at the beginning of the next immediately following growing season.

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.

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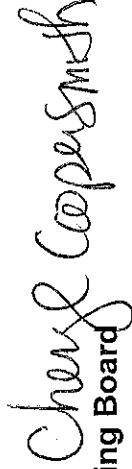
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30. The contractor's trailer, if any is proposed, shall be located as approved by the Planning Board.
31. If the applicant, during the course of construction, encounters such conditions as flood areas, underground water, soft or silty areas, improper 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).
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 William Young and seconded by Michael Mandel and carried as follows: Kevin Garvey, aye; Bruce Bond, absent; William Young, aye; John Foody, aye; Michael Mandel, 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: October 16, 2013
Town of Orangetown Planning Board



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PB#13-44: Kopunek Subdivision Plan: Final Subdivision Plan Approval
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TO: Kathy Kopunek, 20 Steuben Avenue, Tappan,
New York 10983
FROM: Orangetown Planning Board

RE: Kopunek Subdivision Plan: The application of Catharine Kopunek, owner, (Donald Brenner, attorney for the applicant) for a Final Subdivision Plan Review, at a site to be known as "**Kopunek 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 20 Steuben Avenue, Tappan, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 77.06, Block 2, Lot 69 in the R-15 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, October 16, 2013**, the Board made the following determinations:

Kathy Kopunek and Donald Brenner appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated October 9, 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 October 16, 2013.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated October 10, 2013.
4. A letter from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated October 1, 2013.
5. A Subdivision Plan prepared by Robert E. Sorace, PLS, dated May 3, 2013, revised September 26, 2013.
6. Copy of PB #13-24, Preliminary Approval Subject to Conditions, Neg. Dec., dated July 10, 2013 and ZBA #13-68, Approved Floor Area Ratio, Front Yard, Side Yard, Total Side Yard and Rear Yard for Lot #1 and Lot Width for Lots #1 and #2, Approved, dated September 25, 2013.

The Board reviewed the plan.

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

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

1. The following note shall be placed on the Subdivision Plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a meeting".
2. The following note shall be placed on the Subdivision Plan: "Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations".
3. The applicant shall comply with all pertinent and applicable conditions of all previous Board Decisions: PB #13-24, Preliminary Approval Subject to Conditions/ Neg. Dec., dated July 10, 2013 and ZBA #13-68, Approved Floor Area Ratio, Front Yard, Side Yard, Total Side Yard and Rear Yard for Lot #1 and Lot Width for Lots #1 and #2, Approved, dated September 25, 2013.
4. The applicant shall re-appear at the Planning Board upon submission of a Development Plan for Lot #2 to the Town of Orangetown Office of Building, Zoning, Planning Administration and Enforcement.
5. Conditions #7, #8 and #9 of PB #13-24, Preliminary Subdivision Plan Approval Subject to Conditions, dated July 10, 2013 shall take affect when Lot #2 reappears at the Planning Board with a Development Plan.
"PB #13-24:
 7. The proposed sanitary sewer house connection with connection detail shall be shown on the plan, including all inverts for Lot #2.
 8. The proposed driveway for Lot #2 shall be shown on the plans.
 9. Soil erosion and sediment control plans and details shall be shown on the plan."
6. Note #13 on the Subdivision Plan, last revision date of September 26, 2013, shall be corrected by deleting ACABOR and replacing it with "Planning Board".

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7. The existing shed shall be removed prior to the Clerk of the Planning Board signing the Subdivision Plat.
8. 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.
9. 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 on proposed Lot #2.
10. The applicant shall comply with all pertinent items in the Guide to the Preparation of Subdivision Plans prior to signing the final plans.
11. All reviews and approvals from various governmental agencies must be obtained prior to stamping of the Subdivision Plan.
12. All of the conditions of this decision, shall be binding upon the owner of the subject property, its successors and /or assigns, including the requirement to maintain the property in accordance with the conditions of this decision and the requirement, if any, to install improvements pursuant to Town Code §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.
13. 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.
14. **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.

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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 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.

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.

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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).

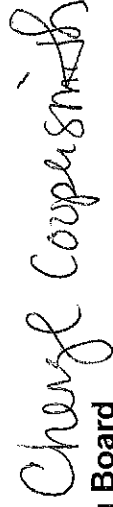
19. Permanent vegetation cover of disturbed areas shall be established on the site within thirty (30) days of the completion of construction.

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.

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

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



Dated: October 16, 2013

Town of Orangetown Planning Board

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