

Meeting of April 13, 2011
TOWN OF ORANGETOWN PLANNING BOARD

MEMBERS PRESENT:

Chairperson; Bruce Bond; William Young; John Foody; Andy Stewart and Robert Dell

MEMBERS ABSENT: Kevin Garvey and Jeffrey Golda

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

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

“What’s Shakin” Conditional Use Permit
Prepreliminary/ Preliminary/ Final
Conditional Use Permit and SEQRA Review
74.10/1/70; CO zoning

PB #11-17

Other Business:

1) Referral from the Village of Grand View – On- Hudson to consider the application for a special permit for home occupation Pilates classes at 271 River Road, Grand View – On- Hudson. The Board determined that the granting of the special permit would have little impact upon Orangetown and the decision falls under the local jurisdiction of the Village of Grand View –On – Hudson.

2) The Board reviewed the follow up information requested at the March 23, 2011 meeting concerning the Mundt Remediation Plan (PB #11-09). John Giardeillo, Director of Town of Orangetown Office of Building, Zoning and Planning Administration and Enforcement, Fred Mundt, the applicant, and David Carey, the abutting property owner, met at Mr. Mundt's property regarding the removal of trees, planting of replacement trees and general clean up of the property. Mr. Carey submitted a letter to the Planning Board. The applicant and Mr. Carey agreed upon a planting plan, which was presented to the Board. The Planning Board set a time line to complete the project to 60 days from the date of the Building Permit.

The decisions of the March 23, 2011 Planning Board Meeting was reviewed, edited, and approved. The motion for adoption was made and moved by William Young and seconded by John Foody and carried as follows: Robert Dell, abstain; Kevin Garvey, absent; Bruce Bond, aye, Jeffrey Golda, absent; John Foody, aye; Andy Stewart, aye and William Young, aye.

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

Since there was no further business to come before the Board, a motion to adjourn the meeting was made by William Young and seconded by John Foody and agreed to by all in attendance. The meeting was adjourned at 8:05 p.m. The next Planning Board meeting is scheduled for April 27, 2011.

DATED: April 13, 2011
Town of Orangetown Planning Board

**PB #11-17: "What's Shakin" Final Conditional Use Permit
Granted / Neg. Dec.**

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TO: Louis Monitto, 5 Arbor Lane, Bardonia, New York 10954

FROM: Orangetown Planning Board

RE: "What's Shakin" Conditional Use Permit: The application of Louis Monitto, applicant, for Ulster Heights, owners, for a Conditional Use Permit, for a site to be known as "What's Shakin", pursuant to Chapter 43, Section 8.1 of the Town of Orangetown Zoning Code 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 60 Dutch Hill Road, Orangeburg, Town of Orangetown, Rockland County, New York and as shown on the Orangetown Tax Map as Section 74.10, Block 1, Lot 70 in the CO zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, April 13, 2011**, at which time the Board made the following determination:

Louis Monitto appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated April 6, 2011.
2. An interdepartmental memorandum signed by John Giardiello, P.E., Director of the Office of Building, Zoning and Planning Administration and Enforcement, Town of Orangetown, dated April 13, 2011.
3. An interdepartmental memorandum signed by Bruce Peters, P.E., Department of Environmental Management and Engineering (DEME), Town of Orangetown, dated April 7, 2011.
4. A letter from Rockland County Department of Planning, Arlene Miller, Deputy Commissioner of Planning, dated March 29, 2011.
5. Letters from the Rockland County Department of Highways, signed by Joseph Arena, Principal Engineering Technician, dated March 31, 2011.
6. A letter from Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer, dated March 18, 2011.
7. Letters from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, and John Stoughton, dated March 11, 2011.
8. A letter from the Town of Orangetown Zoning Board of Appeals, signed by Patricia Castelli, dated March 16, 2011.
9. An Interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by Michael Bettmann, Chief, dated April 6, 2011.
10. A Short Environmental Assessment Form signed by Louis Monitto, dated March 7, 2011.
11. Plans depicting the inside of the commercial space and the location of the project site to be occupied in comparison to the shopping center layout.

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

The proposed action is classified as an “unlisted action” as defined by Section 617.2 (ak) of the New York State Environmental Quality Review Regulations (SEQRR). No agency, other than the Orangetown Planning Board will have any significant involvement in the review process, pursuant to Section 617.6 of SEQRA. On motion by Bruce Bond and seconded by William Young and carried as follows: Kevin Garvey, absent; Bruce Bond, aye; Andy Stewart, aye; William Young, aye; Robert Dell, aye; John Foody, aye and Jeffrey Golda, absent, the Board declared itself Lead Agency.

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

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

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Rockland County Department of Highways, Rockland County Sewer District #1, 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 Andy Stewart and carried as follows: Kevin Garvey, absent; Bruce Bond, aye; Andy Stewart, aye; Robert Dell, aye; John Foody, aye; William Young, aye; and Jeffrey Golda, absent, the Board made a Negative Declaration pursuant to SEQRA.

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

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The proposed use, size and character is in harmony with the development in the district in which it is proposed to be situated and will not be detrimental to the zoning classification of such properties.

The proposed location and size of the use, nature and intensity of operations involved, and the site layout in relation to access streets will not be hazardous to pedestrian or vehicular traffic.

The proposed location and height of the building and landscaping will not hinder or discourage development or use of adjacent land and buildings.

The proposed use will not require additional public services or create fiscal burdens upon the Town of Orangetown greater than those which characterize uses permitted by right.

In addition, the approval is SUBJECT TO THE FOLLOWING CONDITIONS:

1. The Short Environmental Assessment Form dated March 7, 2011 appears to be in order.
2. The Town of Orangetown has a new F.O.G. (Fat, Oil and Grease) program, which must be complied. The applicant shall contact the Town’s F.O.G. Coordinator to determine if this criteria is applicable.
3. The applicant is reminded that some types of business may require a pretreatment facility on site and a permit from DEME. The design of such facilities must be reviewed and approved by DEMEM prior to any construction.
4. Prior to construction of the establishment, the applicant must contact the Rockland County Department of Health to schedule an appointment for plan review and approval.
5. 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
 - Rockland County Department of Highways
 - Town of Orangetown Zoning Board of Appeals

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6. The Town of Orangetown Bureau of Fire Prevention requests the following:
 - a. If the assembly space exceeds 750 square feet, as stated in the NYSDEC Section 302.2.1, the occupancy is considered an Assembly Occupancy. Therefore, it would be a change of use and would require the installation of a Fire Alarm system; connected to Rockland County 44-Control, with 2 dedicated phone lines (POTS) transmitting in Contact ID format. Portable fire extinguishers and emergency lighting are required.

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

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

Dated: April 13, 2011. Town of Orangetown Planning Board
attachment

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

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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: What's Shakin" Conditional Use Permit

SEQR STATUS: Type I _____ Unlisted XXXXXX

CONDITIONED NEGATIVE DECLARATION: Yes _____ No XXXXXX

DESCRIPTION OF ACTION: Conditional Use Permit

LOCATION: The site is located at 60 Dutch Hill Road, Orangeburg, Town of Orangetown, Rockland County, New York and as shown on the Orangetown Tax Map as Section 74.10, Block 1, Lot 70 in the CO 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

