

**TOWN OF ORANGETOWN PLANNING BOARD  
MEETING OF APRIL 14, 2010**

**MEMBERS PRESENT:**

Bruce Bond, Chairperson; Kevin Garvey; Jeffrey Golda; William Young;  
John Foody and Andy Stewart

**MEMBERS ABSENT:** Robert Dell

**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, Chairperson called the meeting to order at 7:45 p.m., 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:

<b>SMK Tweed Boulevard Site Plan</b>		<b>PB #10-13</b>
Final Site Plan Review	<b>Final Site Plan Approval</b>	
Critical Environmental Area	<b>Subject to Conditions</b>	
71.09/1/54; R-22 zoning district		

<b>William J. Hayes Jr. Minor Subdivision</b>		<b>PB #10-14</b>
Prepreliminary/Preliminary Minor	<b>Preliminary Subdivision</b>	
Subdivision Plan and SEQRA Review	<b>Approval Subject to</b>	
70.09/3/41.1 & 33; R-15 zoning district	<b>Conditions / Neg. Dec.</b>	

<b>Tappan Golf Range Site Plan</b>		<b>PB #10-15</b>
<b>Area A – Go Kart Area</b>	<b>Continued: Needs</b>	
Amendment to Approved Site Plan and	<b>Drainage</b>	
Reaffirmation of SEQRA Review		
74.19/1/1; LI zoning district		

<b>Tappan Golf Range Site Plan</b>		<b>PB #10-16</b>
<b>Area B – Building for Batting</b>	<b>Continued: Needs</b>	
<b>Cages and Golf Club Shop</b>	<b>Drainage</b>	
Amendment to Approved Site Plan and		
Reaffirmation of SEQRA Review		
74.19/1/1; LI zoning district		

The decisions of the March 10, 2010 Planning Board Meeting was reviewed,  
edited and approved. The motion for adoption was made and moved by Kevin  
Garvey and seconded by Bruce Bond and carried as follows: Robert Dell, absent;  
Kevin Garvey, aye; Bruce Bond, aye; Jeffrey Golda, aye; John Foody, aye; Andy  
Stewart, aye and William Young, abstain.

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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 Kevin Garvey and seconded by Bruce Bond and agreed to by all in attendance. The meeting was adjourned at 8:15 p.m. The next Planning Board meeting is scheduled for April 28, 2010.

**DATED: April 14, 2010  
Town of Orangetown Planning Board**

**PB #10-13:  
Town of Orangetown Planning Board Decision  
SMK Tweed Boulevard Site Plan - Final Site Plan Approval Subject to  
Conditions**

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

RE: SMK Tweed Boulevard Site Plan: The application of Sean Keenan, SMK Home Builders, owners, for Final Site Plan Review for an addition to an existing structure at a site located in the Critical Environmental Area, known as "**SMK Tweed Boulevard Site Plan**", in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21A of the Code of the Town of Orangetown. The site located at 7 Tweed Boulevard, Upper Grandview, Town of Orangetown, Rockland County; New York and as shown on the Orangetown Tax Map as Section 71.09, Block 1, Lot 54 in the R-22 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **April 14, 2010** at which time the Board made the following determinations:

Jay Greenwell appeared and testified for the applicant.

The Board received the following communications:

1. A Project Review Committee Report dated April 7, 2010.
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 April 14, 2010.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering, (DEME) Town of Orangetown, signed by Bruce Peters, P.E., dated April 12, 2010.
4. A letter from Rockland County Department of Highways, signed by Sonny Lin, P.E., dated April 7, 2010.
5. A letter from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated March 16, 2010.
6. A letter from the New York State Department of Transportation, signed by Mary Jo Russo, P.E., Rockland County Permit Engineer, dated April 12, 2010.
7. Site Development Plan for Garage prepared by Jay Greenwell, PLS, dated October 8, 2009, revised January 21, 2010.
8. Board Decisions: PB #09-62: Preliminary Site Plan Approval Subject to Conditions, Neg. Dec., dated January 27, 2010, ACABOR #10-08, Approved Subject to Conditions, dated March 2, 2010 and ZBA #10-10-16, Approved with Conditions (Front Yard Variance), dated March 3, 2010.

**The Board reviewed the plan.**

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

1. The following note shall be placed on the Site Plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a meeting."
2. The following note shall be placed on the Site Plan regarding Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.
3. The applicant shall comply with all pertinent and applicable conditions of previous Board Conditions: PB #09-62: Preliminary Site Plan Approval Subject to Conditions, Neg. Dec., dated January 27, 2010, ACABOR #10-08, Approved Subject to Conditions, dated March 2, 2010 and ZBA #10-16, Approved with Conditions (Front Yard Variance), dated March 3, 2010.
4. Rockland County Department of Highways reviewed the Site Plan and offers the following comments:
  - No objection to the site plan as submitted and have issued a Rockland County Highway Department Work Permit for this project.
  - Although it is not depicted on the Site Plan, it has recently come to the attention of the Highway Department that the applicant plans on installing an electronic gate and stone pillars as part of the driveway relocation. The stone pillars and electronic gate must be contained within the property lines and not within the County Right of Way.
5. The Rockland County Department of Health has reviewed the Site Plan and reminds the applicant that the "pre-existing carport currently being converted into living space", cannot result in the increase in the number of bedrooms without making modifications to the subsurface disposal field. **A note to this affect shall be added to the plans.**

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

A review shall be completed by the Rockland County Park Commission and any concerns addressed.

A review shall be completed by the Palisades Interstate Park Commission and any concerns addressed.

A review shall be completed by the Village of Grand View on Hudson and their comments considered.

There shall be no net increase in peak stormwater runoff rates under a 24-hour, 100-year Type III design storm event.

In 1000 square feet of land or more will be disturbed, prior to any grading or construction on the site, a soil and erosion control plan shall be developed in place for the entire site that meets the New York State Guidelines for Urban Erosion and Sediment Control.

If any variances will be needed to implement the proposed Site Plan, the Rockland County Department of Planning requests the opportunity to review the proposed variances, as required by New York State General Municipal Law, Section 239-m(3)(v).

**7.** The Palisades Interstate Park Commission has reviewed the item and found that this project will not have a significant adverse impact upon nearby park resources.

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

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

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

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

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Continuation of Condition #11....

- 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.

**12.** 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.

**13.** 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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14. The contractor's trailer, if any is proposed, shall be located as approved by the Planning Board.
15. 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).
16. Permanent vegetation cover of disturbed areas shall be established on the site within thirty (30) days of the completion of construction.
17. 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
18. The Planning Board shall retain jurisdiction over lighting, landscaping, signs and refuse control.

The foregoing Resolution was made and moved by Kevin Garvey, seconded by Andy Stewart and carried as follows: Bruce Bond, aye; Andy Stewart, aye; William Young, aye; John Foody, aye; Robert Dell, absent; Jeffrey Golda, aye and Kevin Garvey, 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: April 14, 2010  
Town of Orangetown Planning Board**

**PB #10-14:  
Town of Orangetown Planning Board Decision  
William Hayes Jr. Subdivision Plan; Preliminary Approval Subject to  
Conditions/ Neg. Dec.**

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

RE: William Hayes Jr. Minor Subdivision: The application of William J. Hayes, Jr., owner, (Donald Brenner, Attorney for the applicant) for Prepreliminary/Preliminary for a subdivision to be known as "William J. Hayes Jr. 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 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 on the east side of Burrows Lane, 240 feet south of the intersection of Sunset Road, Blauvelt, Town of Orangetown, Rockland County, New York and as shown on the Orangetown Tax Map as Section 70.09, Block 3, Lots 41.1 & 33 in the R-15 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held, **Wednesday, April 14, 2010** at which time the Board made the following determinations:

Donald Brenner appeared and testified for the applicant.

The Board received the following communications:

1. A Project Review Committee Report dated April 7, 2010.
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 April 14, 2010.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering, (DEME) Town of Orangetown, signed by Bruce Peters, P.E., dated April 12, 2010.
4. A letter from the Rockland County Department of Planning, signed by Eileen Miller, dated April 13, 2010.
5. A letter from Rockland County Department of Highways, signed by Joseph Arena, Principal Engineering Technician, dated April 7, 2010.
6. A letter from Rockland County Drainage Agency, signed by Edward Devine, Executive Director, dated March 12, 2010.
7. Letters from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated March 3, 2010.



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8. A letter from the Rockland County Sewer District #1, signed by Joseph LaFiandra, Engineer II, dated March 22, 2010.
9. A letter from the Town of Orangetown Zoning Board of Appeals, signed by Tricia Castelli, Acting Chairperson, dated March 3, 2010.
10. A Short Environmental Assessment Form dated February 24, 2010, signed by William J. Hayes, Jr.
11. Plans prepared by Robert Rahnefeld, PLS, dated May 13, 2006, revised June 22, 2006.

**The Board reviewed the plan.**

**Public Comment:**

Frank DeCicco, 40 Burrows Lane, Blauvelt; raised concerns regarding access to the applicant's property and the relocation of a utility pole.

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

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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 Rahnefeld and having heard from the following offices, officials and/or Departments: (Town of Orangetown): Project Review Committee, Zoning Board of Appeals, Office of Building, Zoning, Planning Administration and Enforcement and Department of Environmental Management and Engineering; and having heard from the following involved and interested agencies: Rockland County Department of Planning, Rockland County Department of Highways, Rockland County Drainage Agency, Rockland County Department of Health, Rockland County Sewer District No. 1 and having reviewed a proposed Subdivision plan by prepared by Robert Rahnefeld, PLS, a summary of the reasons supporting this determination are, and the Planning Board finds that the proposed action:

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

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

A motion was made to reopen the Public Hearing portion of the meeting to discuss the Subdivision Application was made by Kevin Garvey and second by William Young and carried as follows: Bruce Bond, aye; Andy Stewart, aye; William Young, aye; Robert Dell, absent; John Foody, aye; Jeffrey Golda, aye and Kevin Garvey.

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

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

- 1.** The following note shall be placed on the Subdivision Plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a meeting".
- 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 Short Environmental Assessment Form describes the project as "merger of two tax lots". The two tax lots to be merged shall be listed under Item #6.
- 4.** A lot merger plan shall be submitted indicating the two lots to be merged. The submitted copy of the Town's tax map states "Hayes Jr. Minor Subdivision 70.09/3/41 & 33". It is unclear from the documents submitted which tax lots are to be merged. Please clarify.

**PB #10-14:**

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William Hayes Jr. Subdivision Plan; Preliminary Approval Subject to  
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**5.** A proper Subdivision Plan that conforms to Section 21 of the Town of Orangetown Code Book – Land Development Regulations, shall be provided for review.

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

**7.** The Rockland County Department of Health (RCDOH), Environmental Health Program reviewed the subdivision plan and has no comments at this time.

**8.** Rockland County Sewer District #1 does not object to the plan as shown. This project does not affect any sanitary sewers within the District and no future correspondence is requested for this site.

**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 Drainage Agency
- Rockland County Health Department
- Town of Orangetown Zoning Board of Appeals
- Rockland County Department of Planning
- Rockland County Sewer District #1

**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 and compliance to all pertinent prior Board Conditions must be obtained prior to stamping of the Subdivision Plan.

**12. 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.

**PB #10-14:**

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**Continuation of Condition #12....**

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.

**13.** 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.

**14.** 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.

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

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**16.** 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).

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

**18.** 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

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

The foregoing Resolution was made and moved by Kevin Garvey and seconded by John Foody and carried as follows: Bruce Bond, aye; Andy Stewart, aye; William Young, aye; John Foody, aye; Robert Dell, absent; Jeffrey Golda, aye and Kevin Garvey, 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: April 14, 2010  
Town of Orangetown Planning Board**

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

**Town of Orangetown Planning Board Decision  
William Hayes Jr. Subdivision Plan; Preliminary Approval Subject to  
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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: William Hayes Jr. Subdivision Plan**

SEQR STATUS: Type I \_\_\_\_\_ Unlisted XXXXXX

CONDITIONED NEGATIVE DECLARATION: Yes \_\_\_\_\_ No XXXXXX

**DESCRIPTION OF ACTION: Subdivision Plan Review**

**LOCATION:** The site is located on the east side of Burrows Lane, 240 feet south of the intersection of Sunset Road, Blauvelt, Town of Orangetown, Rockland County, New York and as shown on the Orangetown Tax Map as Section 70.09, Block 3, Lots 41.1 & 33 in the R-15 zoning district.

**REASONS SUPPORTING THIS DETERMINATION:**

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

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

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

For Further Information contact:

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

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

