

**TOWN OF ORANGETOWN PLANNING BOARD
MEETING OF APRIL 23, 2008**

MEMBERS PRESENT:

Robert Dell, Chairperson, Bruce Bond, Vice-Chairperson, Kevin Garvey, Anthony Iurica, John Foody, Jeffrey Golda and William Young

MEMBERS ABSENT: None

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

Robert Dell, Chairperson called the meeting to order at 8:15 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:

Ramsey Subdivision Consultation (Sparkill) 77.08/5/33; RG zone	Consultation	PB #08-21
Doller Subdivision – Lot 3 Site Plan Prepreliminary/Preliminary/Final Site Plan and SEQRA Review, Compliance with Filed Subdivision Map Note #33 (Orangeburg) 74.16/3/36; R-40 zone	Final Site Plan Approval Subject to Conditions Neg. Dec.	PB #08-22
Byrne Subdivision Final Subdivision Plan Review (Pearl River) 69.05/4/41; R-15 zone	Final Approval Subject to Conditions	PB #08-23
Dominican College Site Plan Dining Hall Expansion Plan Prepreliminary/Preliminary Site Plan and SEQRA Review (Blauvelt) 74.06/3/3; R-40 zone	Preliminary Site Plan Approval Subject to Conditions Neg. Dec.	PB #08-24

The decisions of the April 9, 2008 Planning Board Meeting was reviewed, edited and approved. The motion for adoption was made and moved by Kevin Garvey and seconded by Anthony Iurica and carried as follows: Robert Dell, aye; Kevin Garvey, aye, Bruce Bond, aye; Anthony Iurica, aye; Jeffrey Golda, aye, John Foody, 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 Kevin Garvey and seconded by Anthony Iurica and agreed to by all in attendance. The meeting was adjourned at 10:30 p.m. The next Planning Board meeting is scheduled for May 14, 2008.

DATED: April 23, 2008

Planning Board Town of Orangetown

**TOWN OF ORANGETOWN
PLANNING BOARD CONSULATION**

**Ramsay Subdivision Plan
Consultation**

**PB #08-21
April 23, 2008
Page 1 of 6**

TO: Jay Greenwell, PLS
85 Lafayette Avenue
Suffern, New York 10901

FROM: Orangetown Planning Board

RE: The application of Kevin Ramsay, owner, for Consultation for a two lot subdivision to be known as "**Ramsay 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 William Street, Sparkill, Town of Orangetown, Rockland County, New York and as shown on the Orangetown Tax Map as Section 77.08, Block 5, Lot 33 in the RG zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, April 23, 2008**, 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 Report dated April 16, 2008.
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 23, 2008.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated April 16, 2008.
4. A letter from the Rockland County Department of Planning, signed Salvatore Corallo, Commissioner, dated April 17, 2008.
5. Letters from Rockland County Highway Department, signed by Joseph Arena, Principal Engineering Technician, dated April 7, 2008.
6. A letter from the Rockland County Drainage Agency, signed by Edward Devine, Executive Director, dated April 2, 2008.
7. A Project Narrative, Subdivision of Property for Ramsay, dated March 19, 2008, prepared by Jay A. Greenwell, PLS, LLC.
8. Subdivision Plans prepared by Jay Greenwell, PLS, LLC, dated January 15, 2008, revised March 19, 2008:
 - Drawing 1: Standard Layout Conceptual Layout "A"
 - Drawing 2: Average Density Conceptual Layout "B"

CONSULTATION: In view of the foregoing and the testimony before the Board, the provided the following comments:

1. The applicant has submitted a conventional and an average density four lot subdivision layout for the property. The average density layout has the following advantages:
 - Less impervious area
 - Smaller proposed structures, more in line with the existing structures in the neighborhood.
 - Over a half of the acre of land to be dedicated to the Town of Orangetown. This land could be used for Flood Mitigation or some other Municipal use.
 - Less land disturbance.
2. The PRC recommends concept "B" since it has less environmental impact.
3. The applicant shall quantify the costs of proposed development "A" verses "B".
4. The PRC believed that layout "B" provided property that would have some value for flood control for the Sparkill Creek and also that the adjoining property of the Sparkill Development Corporation (77.08/5/34) could be included in the overall development concept
5. The Town of Orangetown Department of Environmental Management and Engineering (DEME) prefers the conceptual Layout "B" if the applicant can demonstrate that there would be less of an impact/disturbance to the lot if the average density plan were approved (i.e. difference in impervious area, removal of existing foliage, etc.)also, the back lot (#77.08/5/34) would need to be included in the lands to be donated/ easemented for drainage purposes (if the applicant can secure the lot.)
6. The applicant is advised that if a private road was approved (as per the average density plan) the ownership and maintenance of the required detention pond, would be the responsibility of a Homeowners Association, no the Town of Orangetown.

7. The undisturbed area shall be dedicated or easemented to the County of Rockland for drainage purposes.
8. A completely feasible standard layout that meets all Federal, State and Town regulations shall be approved prior to determining the number of lots that can be included in the average density layout.
9. A permit from the Rockland County Drainage Agency is required. Early input from that agency will be important in consideration of the fact that the property is adjacent to the floodplain of the Sparkill Creek and that is it proposed to use an adjacent area for drainage facilities to serve the entire subdivision.
10. A review shall be completed by the U.S. Army Corps of Engineers and any required permits obtained.
11. Public sewers required extensions within a right of way or an easement shall be reviewed and approved by the Rockland County Department of Health prior to construction.
12. Water scarce is a 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. A letter from the public water supplier, stamped and sealed by a NYS licensed professional engineer, shall be issued to the municipality for this project, certifying that there will be a sufficient water supply during peak demand periods and in a drought situation.
13. If any public water supply improvements are required, engineering plans and specification for these improvements shall be reviewed by the Rockland County Department of Health, prior to construction. 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, 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.
14. 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.

- 15.** Prior to the start of construction or grading, Soil Erosion and Sediment Control Plans and details shall be submitted to the Town of Orangetown Department of Environmental Management and Engineering for review and approval. The Soil Erosion and Sediment Control Plan shall meet the NYS Guidelines for Urban Erosion and Sediment Control.
- 16.** There shall be no net increase in stormwater runoff from the site.
- 17.** Notes on the plat shall be added explaining the nature of the drainage easement to be dedicated to the Town of Orangetown and the location of where the easement documents are recorded.
- 18.** Since the proposed subdivision and/or roadway will have no direct connection to the County Roadway, the proposed project as presented would have no foreseeable adverse impact upon the County Highway System.
- 19.** Based on the information provided and maps available to the Rockland County Drainage Agency, the site has been determined to be within the jurisdiction of the RCA. Accordingly, a permit from the RCDA pursuant to the Rockland County Stream Control Act is required. In addition, the site appears to be located within mapped federal wetlands. The RCDA suggests that the U.S. Army Corps of Engineers be contacted to make a jurisdictional determination regarding the proposed activity. Furthermore,
- 20.** 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."
- 21.** 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.
- 22.** The applicant shall comply with all pertinent items in the Guide to the Preparation of Subdivision Plats prior to signing the final plans.
- 23.** All reviews and approvals from various governmental agencies must be obtained prior to stamping of the Subdivision Plan.

24. 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 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.

25. 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.

26. 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.

27. The contractor's trailer, if any is proposed, shall be located as approved by the Planning Board.
28. 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).
29. Permanent vegetation cover of disturbed areas shall be established on the site within thirty (30) days of the completion of construction.
30. 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
31. The Planning Board shall retain jurisdiction over lighting, landscaping, signs and refuse control.

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: April 23, 2008

Planning Board	OBZPAE	RC Planning	RC Drainage	RC Highway
Env. Mgt. Eng.	LMS	Town Board	Assessor	Town Attorney
PRC	Supervisor			

**TOWN OF ORANGETOWN
PLANNING BOARD DECISION**

**Doller Subdivision Plan – Lot #3
Final Site Plan Approval
Subject to Conditions/Neg. Dec.**

**PB #08-22
April 23, 2008
Page 1 of 6**

TO: Jay Greenwell, PLS
85 Lafayette Ave.
Suffern, NY 10901

FROM: Orangetown Planning Board

RE: The application of Danielle and James Doller, applicants, for Kenneth Doller, owner, for Prepreliminary/Preliminary/Final Site Plan Review for Lot #3, as required in the **Doller Subdivision, note #33 of the Filed 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 21A of the code of the Town of Orangetown. The site is located at 154 Kings Highway, Orangeburg, Town of Orangetown, Rockland County, New York and as shown on the Orangetown Tax Map as Section 74.16, Block 3, Lot 3.3 in the R-40 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, April 23, 2008**, at which time the Board made the following determinations:

Jay Greenwell and Danielle and James Doller appeared and testified.

The Board received the following communications:

1. A Project Review Report dated April 16, 2008.
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 23, 2008.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated April 16, 2008.
4. A letter from the Rockland County Department of Planning, signed Eileen Miller, Senior Planner, dated January 31, 2006.
5. Letters from Rockland County Department of Highways, signed by Joseph Arena, Principal Engineering Technician, dated March 27 & 28, 2008.
6. Letters from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated March 11, 2008.
7. An interdepartmental memorandum Office of Parks & Recreation, Town of Orangetown, signed by Richard Rose, Superintendent, dated March 10, 2008.
8. A letter from the County of Rockland Sewer District #1, signed by Joseph LaFiandra, Engineer II, dated March 14, 2008.

9. A Short Environmental Assessment Form signed by Jay Greenwell, PLS, dated March 4, 2008.
10. Plat Plan Lot #3 – Subdivision for Doller prepared by Jay Greenwell, PLS, LLC, dated January 14, 2008.
11. Copies of PB #06-60, Final Subdivision Approval Subject to Conditions, dated July 12, 2006.
12. A letter from the Town of Orangetown Zoning Board of Appeals, signed by William Mowerson, Chairperson, dated March 19, 2008

A motion was made to close the Public Hearing portion of the meeting by Kevin Garvey seconded by Bruce Bond and carried as follows: Bruce Bond, aye; Kevin Garvey, aye; Anthony Iurica, aye; William Young, aye; John Foody, aye; Robert Dell, 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 Anthony Iurica and seconded by John Foody and carried as follows: Bruce Bond, aye; Anthony Iurica, aye; William Young, aye; Robert Dell, aye; John Foody, aye; Jeffrey Golda, aye and Kevin Garvey, aye the Board declared itself Lead Agency.

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:

It will not have a significant impact upon the environment and a DEIS will not be prepared because the proposed action does not significantly affect air quality, surface or ground water quality, noise levels, drainage or existing traffic patterns.

In addition, it will have no impact upon the aesthetics, agricultural or cultural resources of the neighborhood and no vegetation, fauna or wildlife species will be affected as a result of the proposed action. The proposed action is consistent with the Town’s Master Plan and will not have any adverse economic or social impacts upon the Town of Orangetown.

On motion by Bruce Bond and seconded by Kevin Garvey and carried as follows: Bruce Bond, aye; Anthony Iurica, aye; Robert Dell, aye; John Foody, aye; William Young, aye; Jeffrey Golda, aye and Kevin Garvey, aye the Board made a Negative Declaration.

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

1. The drywell on the Site Plan at the rear of the site shall be labeled for “Roof Drainage Only.”
2. A 10-foot undisturbed area shall be created along the southern property line, with the exception of the driveway turnaround. The Site Plan shall be noted with the undisturbed area. In addition, this area shall be marked and labeled in the field during construction.
3. 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.”
4. 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.
5. The applicant shall be reminded that all erosion and sediment control devices must be installed prior to the start of construction, including any clearing or tree removal. The applicant shall contact DEME for an inspection of the site after the erosion and sediment control devices have been installed and prior to receiving the building permit. The building permit will be considered for approval upon receipt of a letter from the Department of Environmental Management and Engineering approving the installation of the erosion and sediment control devices.
6. The applicant is advised that the public improvements (sanitary sewer extension) need to be installed, inspected and tested prior to the issuance of a Certificate of Occupancy. It is suggested that this condition also be placed in the building permit application, as discussed with John Giardiello, Director, OBZPAE.
7. The applicant needs to submit the required inspection fees, as required by the Performance Bond, prior to the construction of the public improvements.
8. Based upon the plans and information provided for the Dollar Subdivision – Lot 3, the Rockland County Department of Highway found that the requested action will have no foreseeable adverse impact to county roads in the area.
9. The Rockland County Department of Health (RCDOH) requests that application be made for review of the stormwater management system for compliance with the County Mosquito Code. The applicant shall contact Brian Hunderfund at RDCOH. No other Rockland County Department of Health approvals are needed for this application.

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

11. 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 Department of Health

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

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

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.
- 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.

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 Bruce Bond and seconded by Kevin Garvey and carried as follows: Bruce Bond, aye; Anthony Iurica, aye; William Young, aye; John Foody, aye; Robert Dell, aye; 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 23, 2008

Planning Board	OBZPAE	RC Planning	RC Drainage	RC Highway
Env. Mgt. Eng.	LMS	Town Board	Assessor	Town Attorney
PRC	Supervisor			

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

**Doller Subdivision Plan – Lot #3
Final Site Plan Approval
Subject to Conditions**

**PB #08-22
April 23, 2008
Page 6 of 6**

TO: Jay Greenwell, PLS
85 Lafayette Ave.
Suffern, NY 10901

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: **Doller Subdivision Plan – Lot #3**

SEQR STATUS: Type I _____
Unlisted XXXXXX

CONDITIONED NEGATIVE DECLARATION: Yes _____
No XXXXXX

DESCRIPTION OF ACTION: **Site Plan Review**

LOCATION: The site is located at 154 Kings Highway, Orangeburg, Town of Orangetown, Rockland County, New York and as shown on the Orangetown Tax Map as Section 74.16, Block 3, Lot 3.3 in the R-40 zoning district.

REASONS SUPPORTING THIS DETERMINATION:

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

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

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

For Further Information contact:

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

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

**TOWN OF ORANGETOWN
PLANNING BOARD DECISION**

**Byrne Subdivision Plan
Final Subdivision Plan Approval
Subject to Conditions**

**PB #08-23
April 23, 2008
Page 1 of 5**

TO: Donald Brenner
4 Independence Ave.
Tappan, NY 10983

FROM: Orangetown Planning Board

RE: The application of Patrick Byrne, owner, for Final Subdivision Plan review for a proposed two lot subdivision to be known as "**Byrne 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 Ehrhardt Road, Pearl River, Town of Orangetown, Rockland County, New York and as shown on the Orangetown Tax Map as Section 69.05, Block 4, Lot 41 in the R-15 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, April 23, 2008**, at which time the Board made the following determinations:

Donald Brenner, Jay Greenwell and Patrick Byrne appeared and testified.

The Board received the following communications:

1. A Project Review Report dated April 16, 2008.
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 23, 2008.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated April 16, 2008.
4. Letters from HDR Engineering, signed by Harvey Goldberg, P.E., dated April 17 and March 27, 2008.
5. A letter from the Rockland County Department of Planning, signed Eileen Miller, Senior Planner, dated March 12, 2008.
6. A letter from Rockland County Highway Department, signed by Joseph Arena, Principal Engineering Technician, dated March 27, 2008.
7. A letter from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated March 14, 2008.
8. An interdepartmental memorandum Office of Parks & Recreation, Town of Orangetown, signed by Richard Rose, Superintendent, dated March 10, 2008.
9. A letter from by Dorothy and Rudy E. Hansen, , dated March 31, 2008.
10. Drainage Calculations prepared by Edward A. Maikish, PE., dated September 6, 2007.

11. Copies of PB #07-25, Preliminary Approval Subject to Conditions, dated March 14, 2007, ZBA #07-116, Approved with Conditions, dated December 5, 2007 and ACABOR #08-10, Approved with Conditions, dated April 1, 2008.
12. Plans prepared by Jay Greenwell, PLS, LLC, dated November 28, 2006, revised March 4, 2008:

Sheet 1: Subdivision Plan

Sheet 2: Grading, Drainage and Utilities Plan

13. Submitted at the meeting, a letter signed by Nancy Aufenanger, dated April 23, 2008.

Public Comments:

Dorothy Hansen, 240 Ehrhardt Road, Pearl River, an abutting property owner, raised a request regarding a vegetative buffer along the property line.

Nancy G. Aufenanger, 264 Ehrhardt Road, an abutting property owner, requested consideration for the same type of buffer along her property line. Ms. Aufenanger read from a letter, describing the situation of overdevelopment of the site and the existing situation of flooding and potential drainage problems due to development of the site. She urged the Board not to approve the subdivision.

Michael O'Meara, 268 Ehrhardt Road, an abutting property owner, requested information regarding the proposed buffers on the property and wanted to know if the U.S. Army Corps of Engineers have been contacted to make Jurisdictional Determination and review of the site.

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

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

1. The applicant shall mark on the Subdivision Plan and during construction, along the northern property line, an undisturbed area, to be delineated five feet off the property line, starting 100 feet back from Erhardt Road, proceeding for 185 feet back towards lot #2.
2. The proposed drainage on Lot #1 shall have the approval of the Town of Orangetown's drainage consultant prior to granting final approval. The drainage approval for lot #1 was not available at the Project Review Committee meeting of April 16, 2008.
3. The perc test results/report dated September 6, 2007, indicated that the "deep" perk test for the house drywells was marginal. The applicant's engineer then stated that, although the designed drywells should function as proposed, shallower/wider pits may be installed to avoid hard packed soil/rocks. The applicant's engineer shall state in writing which alternative shall be followed.
4. The drawings appear to indicate that a new manhole is to be constructed on the existing sewer main in Ehrhardt Road, this shall be corrected.

5. The Drainage Consultant to the Planning Board recommends acceptance for drainage subject to the following conditions: In the HDR review of March 27, 2008, HDR concluded that since no disturbance was proposed on Lot #1 along the northerly side of the lot, no drainage improvements would be required in that vicinity. HDR further concluded that the voluntary drainage improvements proposed by the Applicant along the northerly property line (i.e. 10-in pipe in stone trench with four catch basins), would reduce the amount of runoff flowing across the northerly property line onto the adjacent property (N/F Aufenanger). As currently shown on the plans, the four catch basin grates will be set below existing grade in depressions and shall capture a significant amount of runoff. HDR has discussed an improvement to this proposal with the Applicant's representative (J. Greenwell), and he has agreed to make the following revisions:

Provide a swale over the proposed gravel trench and pipe so that existing runoff flowing offsite to the north will be intercepted and directed to the catch basins. The swale shall be 2-3 feet wide and 4-6 inches deep. The details on the plans must be revised accordingly.

Provide a detail of the outlet for the 6-in overflow pipe including a stone apron to prevent erosion. Provide calculations for sizing the apron.

6. The Rockland County Department of Highways has reviewed the plans and information provided and found that the proposed action would have no foreseeable adverse effect upon county roads in the area.

7. Rockland County Department of Health (RCDOH) has reviewed the plans and has the following comments:

- Separate application is to be made to RODOH for review of the stormwater management system for compliance with the County Mosquito Code. Applicant's Engineer shall contact Brian Hunderfrund to coordinate.

- No other Rockland County Health Department approvals are needed for this application.

8. Prior to signing the Subdivision Map, the applicant shall provide Money in Lieu of Recreational Land, in accordance with Section 21-20 of the Land Development Regulations of the Town of Orangetown; \$9,000.00 for every new residential lot created. The applicant shall also provide money to be placed into the Stream Maintenance Fund, at the amount of \$80.00 for every new residential lot created.

9. Based upon the Rockland County Drainage Agency's (RCDA) evaluation of available mapping and the 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. The RCDA recommends that the Town of Orangetown land use Boards carefully review any proposed additional impervious surface in close proximity to the Nauraushaun Brook floodplain for its potential off site impacts. In addition, the site appears to be located in close proximity to federal wetlands. The RCDA suggests that the US Army Corps of Engineers be contacted and requested to make a jurisdictional determination regarding the proposed activity.

10. In accordance with the Rockland County Stream Control Act, Chapter 846, all subdivision maps must be signed by the Chairman of the Rockland County Drainage Agency (RCDA) before the Rockland County Clerk will accept for filing. The final approved subdivision map must be submitted to the RCDA for review.

11. The owners of the driveway must be responsible for the installation and maintenance of the no parking Fire Zone signs and some type of Legal Agreement. Prior to stamping the subdivision plan, the Legal Agreement is subject to review and approval in substance and form by the Town of Orangetown Town Attorney's office. After the final approval of the Fire zone location by the Orangetown Fire Inspector, the Town of Orangetown shall place the Fire Zone into the Town Code as a legal fire Zone by the Fire Inspector.

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

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

- One (1) foot radius from trunk per inch DBH
- Drip line of the Tree Canopy

The method chosen should be based on providing the maximum protection zone possible. A barrier of snow fence or equal is to be placed and maintained one yard beyond the established tree protection zone. If it is agreed that the tree protection zone of a selected tree must be violated, one of the following methods must be employed to mitigate the impact:

- Light to Heavy Impacts – Minimum of eight inches of wood chips installed in the area to be protected. Chips shall be removed upon completion of work.
- Light Impacts Only – Installation of ¾ inch of plywood or boards, or equal over the area to be protected. The builder or its agent may not change grade within the tree protection zone of a preserved tree unless such grade change has received final approval from the Planning Board. If the grade level is to be changed more than six (6) inches, trees designated to be preserved shall be welled and/or preserved in a raised bed, with the tree well a radius of three (3) feet larger than the tree canopy.

13. All landscaping shown on the 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.

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.

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

21. All reviews and approvals from various governmental agencies must be obtained prior to stamping of the subdivision plan.

The foregoing Resolution was made and moved by Anthony Iurica, seconded by William Young and carried as follows: Bruce Bond, aye, Kevin Garvey, aye, Anthony Iurica, aye, William Young, aye, John Foody, aye, Robert Dell, abstain 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: April 23, 2008

Planning Board BY: _____ decd.
Planning Board OBZPAE RC Planning RC Drainage RC Highway
Env. Mgt. Eng. LMS Town Board Assessor Town Attorney
PRC Supe

**TOWN OF ORANGETOWN
PLANNING BOAR DECISION**

**Dominican College Site Plan
Preliminary Site Plan Approval
Subject to Conditions/Neg. Dec.**

**PB #08-24
April 23, 2008
Page 1 of 8**

TO: Michael Dempsey
Dominican College
470 Western Highway
Orangeburg, New York, 10962

FROM: Orangetown Planning Board
RE: The application of Dominican College, owner for
Prepreliminary/Preliminary Site Review for the construction of a 3,500 square
foot expansion to the existing dining hall at a site known as “**Dominican College
Dining Hall Expansion Site Plan**”, in accordance with Article 16 of the Town
Law of the State of New York, the Land Development Regulations of the Town of
Orangetown, Chapter 21A of the code of the Town of Orangetown. The site is
located at 470 Western Highway, Orangeburg, Town of Orangetown, Rockland
County, New York and as shown on the Orangetown Tax Map as Section 74.06,
Block 3, Lot 3 in the R-40 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held
Wednesday, April 23, 2008, at which time the Board made the following
determinations:

Michael Dempsey, Brian Quinn and S. Kathleen Sullivan appeared and testified.
The Board received the following communications:

1. A Project Review Memo dated April 16, 2008.
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 23, 2008.
3. An interdepartmental memorandum from the Department of Environmental
Management and Engineering, (DEME) Town of Orangetown, signed by
Bruce Peters, P.E., dated April 16, 2008.
4. A letter from Maser Engineering signed by Joseph Caruso, P.E., dated
April 16, 2008.
5. Letters from the Rockland County Department of Planning, signed by Eileen
Miller, dated March 27, 2008 and Salvatore Corallo, Commissioner of Planning,
dated April 4, 2008.
6. A letter from Rockland County Department of Highways, signed by
Joseph Arena, Principal Engineering Technician, dated March 18, 2008.

7. A letter from Rockland County Drainage Agency signed by Edward Devine, Executive Director, dated March 3, 2008.
8. A letter from Rockland County Sewer District #1, signed by Joseph LaFiandra, Engineer II, dated March 12, 2008.
9. A letter from the Town of Orangetown Zoning Board of Appeals, signed by Patricia Castelli, dated March 5, 2008.
10. A Short Environmental Assessment Form signed by Mary Eileen O'Brien, O.P., Ph.D., dated December 17, 2007.
11. Amended Site Plan prepared by Corless and Associates, PLS, dated February 18, 2008.

The Board reviewed the plans

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 Kevin Garvey and seconded by John Foody and carried as follows:
Bruce Bond, aye; Anthony Iurica, aye; John Foody, aye; William Young, aye; Robert Dell, abstain; 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 Anthony Iurica and carried as follows: Bruce Bond, aye; Anthony Iurica, aye; William Young, aye; Robert Dell, abstain; John Foody, aye; Jeffrey Golda, aye and Kevin Garvey, aye the Board declared itself Lead Agency.

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:

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

On motion by Kevin Garvey and seconded by Anthony Iurica and carried as follows: Bruce Bond, aye; Anthony Iurica, aye; Robert Dell, abstain; John Foody, aye; William Young, aye; Jeffrey Golda, aye and Kevin Garvey, aye the Board made a Negative Declaration.

DECISION: In view of the foregoing and the testimony before the Board, the application was GRANTED A PRELIMINARY 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 following variances shall be sought from the Town of Orangetown Zoning Board of Appeals:

Variance	Required	Provided
Minimum Front Yard	100 feet	83 feet
Minimum Side Yard	100 feet	60 and 25 feet
Total Side Yard	200 feet	85 feet
Minimum Rear Yard	100 feet	81 feet

Rockland County Department of Planning requests the opportunity to review any variances that may be required from the Town of Orangetown Zoning Board of Appeals in order to implement the Site Plan.

4. The Short Environmental Assessment Form, item #8 shall be answered "No" and "ZBA variances required" shall be listed.
5. The Planning Board shall be advised that the two proposed additions will be located over existing impervious areas, thereby **not** creating any additional runoff that does not currently exist.

6. Drainage calculations, prepared and sealed by a New York State Licensed Professional Engineers, shall be submitted to DEME for review and approval. The applicant's engineers shall design onsite storage to achieve a zero increase in runoff from the proposed site. **The drainage calculations shall be provided prior to Final Approval.**

7. A post construction stormwater maintenance agreement (in accordance with NYSDEC Phase II regulations) for the proposed stormwater systems shall be submitted to DEME and the Town of Orangetown Town Attorney's Office for review and approval in substance and form. Said agreement shall include a maintenance and management schedule, inspection check list, contract person with telephone number, yearly report to be submitted to DEME, etc.

8. Soil Erosion and Sediment Soil Erosion and Sediment Control Plans and details shall be submitted to the Town of Orangetown Department of Environmental Management and Engineering for review and approval. The Soil Erosion and Sediment Control Plan shall meet the NYS Guidelines for Urban Erosion and Sediment Control.

9. The applicant is advised that the Town of Orangetown has a new Fat, Oil and Grease (F.O.G.) program, which must be complied with.

10. A note shall be added to the Site Plan indicating the source benchmark for the referenced datum, including the BM elevation.

11. All required permits shall be obtained from the Rockland County Department of Highways.

12. The fire department connections shall be designated on the Site Plan and dept clear for easy access by the emergency response vehicles.

13. There shall be no net increase in stormwater runoff from the site.

14. Note #5 on the Site Plan shall be revised to refer to Sections 239 L & M of the New York State General Municipal Law. (Since Note #8 is the same, it shall be removed.)

15. Rockland County Department of Planning requests the opportunity to review any variances that may be required from the Town of Orangetown Zoning Board of Appeals in order to implement the Site Plan.

16. Rockland County Department of Highways reviewed the plans and offers the following comments:

Based upon the information provided, the design as shown will have no foreseeable adverse effect upon County Highways in the area.

17. The Rockland County Drainage Agency (RCDA) reviewed this proposal and based on the information provided and maps available to the RCDA, the site has been determined to be outside the jurisdiction of the RCDA. Therefore, a permit from the RCDA pursuant to the Rockland County Stream Control Act, Chapter 846, is not required based upon its review of the information provided.

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

19. 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 Planning
- Rockland County Sewer District #1
- Rockland County Drainage Agency
- Rockland County Department of Highways

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

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

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

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

One (1) foot radius from trunk per inch DBH

Drip line of the Tree Canopy. The method chosen should be based on providing the maximum protection zone possible. A barrier of snow fence or equal is to be placed and maintained one yard beyond the established tree protection zone. If it is agreed that the tree protection zone of a selected tree must be violated, one of the following methods must be employed to mitigate the impact:

Light to Heavy Impacts – Minimum of eight inches of wood chips installed in the area to be protected. Chips shall be removed upon completion of work.

Light Impacts Only – Installation of ¾ inch of plywood or boards, or equal over the area to be protected.

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

23. 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.

24. 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.

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

26. 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).

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

28. 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

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

The Board made a motion to override Conditions #1 and 5 in the letter of Rockland County Department of Planning, signed by Salvatore Corallo, Commissioner of Planning, dated April 4, 2008, for the following reasons:

#1. Parking calculations that demonstrate that the proposed plan meets the applicable Town parking requirements shall be added to the Site Plan.

The Board held that the Town code does not require additional parking for the proposed use and there are parking across the street.

A motion to override the condition was made and moved by Kevin Garvey and seconded by Anthony Iurica, and carried as follows: Robert Dell, abstain; Kevin Garvey, aye; Bruce Bond, aye; Anthony Iurica, aye; Jeffrey Golda, aye; William Young, aye and John Foody, aye.

#5. A revised overall Site Plan for the entire college shall be submitted to show the relationship of the subject building to other buildings, parking areas, accesses, internal roads/drives and other features of the campus.

The Board held that since the request before the Board was a minor amendment to the Site Plan, a revised overall site plan for the entire college was not required and that the Board was aware of the existing available site conditions. The request for a revised site plan would be an unnecessary burden upon the applicant.

A motion to override the condition was made and moved by Bruce Bond and seconded by John Foody, and carried as follows: Robert Dell, abstain; Kevin Garvey, aye; Bruce Bond, aye; Anthony Iurica, aye; Jeffrey Golda, aye; William Young, aye and John Foody, aye.

The foregoing Resolution was made and moved by Kevin Garvey seconded by William Young and carried as follows: Bruce Bond, aye; Anthony Iurica, aye; William Young, aye; John Foody, aye; Robert Dell, abstain; 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 23, 2008

Planning Board	OBZPAE	RC Planning	RC Drainage	RC Highway
Env. Mgt. Eng.	HDR	Town Board	Assessor	Town Attorney
PRC	Supervisor			

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

**Dominican College Site Plan
Preliminary Site Plan Approval
Subject to Conditions/Neg. Dec.**

**PB #08-24
April 23, 2008**

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: Dominican College Site Plan

SEQR STATUS: Type I _____
Unlisted XXXXXX

CONDITIONED NEGATIVE DECLARATION: Yes _____ No XXXXXX

DESCRIPTION OF ACTION: Site Plan Review

LOCATION: The site is located at 470 Western Highway, Orangeburg, Town of Orangetown, Rockland County, New York and as shown on the Orangetown Tax Map as Section 74.06, Block 3, Lot 3 in the R-40 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

