

**Meeting of April 27, 2011
TOWN OF ORANGETOWN PLANNING BOARD**

MEMBERS PRESENT: Kevin Garvey, Chairperson; Bruce Bond; Jeffrey Golda; Andy Stewart and Robert Dell

MEMBERS ABSENT: William Young and John Foody

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

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

**St. Thomas Aquinas College
Athletic Field Site Plan
Final Site Plan Review
74.20/1/2; R-40**

**PB #11-18
Final Site Plan
Approval Subject to
Conditions**

The decisions of the April 13, 2011 Planning Board Meeting was reviewed, edited, and approved. The motion for adoption was made and moved by Bruce Bond and seconded by Robert Dell and agreed to by all in attendance.

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 8:00 p.m. The next Planning Board meeting is scheduled for May 11, 2011.

**DATED: April 27, 2011
Town of Orangetown Planning Board**

**PB #11-19: St. Thomas Aquinas Athletic Field Site Plan - Final Site Plan
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TO: John Atzl, Atzl, Scatassa & Zigler, 234, North Main Street,
New City, New York 10956
FROM: Orangetown Planning Board

RE: St. Thomas Aquinas College Site Plan: Application of Anni Donini, Special Assistant to the President, applicant, for St. Thomas Aquinas College, owner, for Final Site Plan Review for a site to be known as "St. Thomas Aquinas College Athletic Field 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 280 Route 340, Sparkill, New York; on the south side of Route 340, 850 feet west of the intersection of Kings Highway, Sparkill, Town of Orangetown, Rockland County, New York and as shown on the Orangetown Tax Map as Section 74.20, Block 1, Lot 2, in the R-40 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **April 27, 2011** at which time the Board made the following determinations:

John Atzl appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated April 20, 2011.
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 27, 2011.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., April 25, 2011.
4. A letter from HDR, signed by Michael M. Murphy, P.E., Vice President, dated April 27, 2011.
5. A letter from Rockland County Department of Planning, signed by Thomas B. Vanderbeek, P.E., Deputy Commissioner of Planning, dated April 6, 2011.
6. A letter from the Rockland County Department of Highways, signed by Joseph Arena, Principal Engineering Technician, dated April 1, 2011.
7. A letter from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated March 17, 2011.
8. A letter from Rockland County Drainage Agency, signed by Shajan Thottakara, P.E., dated April 12, 2011.

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9. A letter from Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer II, dated April 19, 2011.
10. A copy of a letter from the Department of the Army to Ann Donini, St. Thomas Aquinas College, dated February 23, 2011, signed by Stacey Jensen, Chief, Eastern Permits Section.
11. A letter to the Planning Board from Atzl, Scatassa & Sigler, P.C., dated March 4, 2011, responses to comments of December 8, 2011 Decision.
12. Copies of Board Decisions: Planning Board #10-41, Preliminary Site Plan Approval Subject to Conditions, dated December 8, 2010, Zoning Board of Appeals #11-09, Approved Variances for Front Yard, Side Yard, Total Side Yard, Building Height and Gravel Parking Area, dated February 2, 2011 and Architecture and Community Appearance Board of Review #11-05, Approved Plans with Conditions, dated March 3, 2011.
13. Athletic Field Plans prepared by Atzl, Scatassa & Zigler, dated June 30, 2010, last revision dated of December 22, 2010.
 - Drawing No. 1: Existing Conditions
 - Drawing No. 2: Site Plan
 - Drawing No. 3: Grading Plan
 - Drawing No. 4: Wetlands Map
 - Drawing No. 5: Turf Layout
 - Drawing No. 6: Detail Sheet
 - Drawing No. 7: Detail Sheet
 - Drawing No. 8: Detail Sheet
14. Athletic Field Planting Plan prepared by Robert G. Torgersen, ASLA, dated January 4, 2011.

The Board reviewed the plan.

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

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

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1. The following note shall be placed on the Site Plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a meeting."
2. 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. Detailed information regarding the proposed storage pond/ basin #3 (at the southern end of the proposed parking lot) shall be supplied (i.e. storage capacity at certain elevations, wall design/ reinforcing/ footings, wall elevations, under drain system, emergency spillway, etc.). Cross-sections through this basin shall be supplied on the drawings. It appears as though some of the proposed wall around and forming this basin will be approximately 9 to 10 feet tall, the details for this wall will need to be signed and sealed by a New York State P.E.
4. Copies of all correspondence, including any and all approvals, with the New York State Department of Environmental Conservation, U.S. Army Corps of Engineers, the Rockland County Drainage Agency, etc., in connection with this proposed site plan, shall be supplied to the Planning Board and DEME, prior to signing the map.
5. The applicant shall provide an easement over the new parking area to the Town or Orangetown Sewer Department, in a form acceptable to DEME and the Town Attorney's Office.
6. The site is located on the south side of NYS Route 340 approximately 850 feet west of the intersection with Kings Highway in Sparkill. The 10.6177 acre site contains a softball field and approximately 4 acres of wetlands. A small stream crosses Route 340 and flows through the site toward the Sparkill Creek. A NYSDEC and ACOE wetlands approximately 4.5 acres is located on the site. Access to the site is from Route 340.

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Continuation of Condition #6....

The Applicant proposes to build a new soccer field and improve the existing softball field. Artificial turf will replace existing grass. A small parking lot and toilet facilities are also proposed. Revised drainage calculations have been provided.

In the Planning Board Drainage Consultant's previous review letter dated December 8, 2010, they said that in their opinion, the proposed development could be revised to achieve a zero net increase in runoff rate from the developed site and recommended acceptance for drainage subject to conditions, which were contained in that letter. While the applicant has addressed many of the comments contained in the previous review letter, there are still several items that need to be provided: (included only "Incomplete Items"):

No. 2. Calculations: The calculation narrative says that the trench drains will temporarily store the runoff. However, the consultant could not find calculations that indicate how this will occur. The consultant is also concerned that the slopes of the trench drains are too steep and will not store the runoff as intended. The applicant has indicated that they have provided a copy of the volume of the trench drain system, but it was not provided in the submittal package.

No. 4. Permits: The site is located on a tributary of the Sparkill Creek and may be within the jurisdiction of the Rockland County Drainage Agency (RCDA). This agency must be contacted to determine if a RCDA permit is required, and the Applicant shall obtain such permit if necessary. Pending approval from RCDA, if the applicant has received this approval, it should be provided in future submittals.

No. 9. Plans: The pond is shown in plan on Sheet 3, and a detail of the pond control structure on Sheet 6. This plan and detail are insufficient. A detailed plan and sections for the pond must be provided to describe these facilities and to provide information to permit construction. **The pond control structure should have a second section cut 90° from the section shown. The detail indicates that three openings will be gated down to smaller openings but does not provide a detail of this. How will these small orifices be prevented from clogging.** See Appendix K in NYSDEC Stormwater Manual. This section is Incomplete. Portion of comment in **Bold** still needs to be addressed. Detail was previously found on Sheet 6, now on Sheet 8. However, additional cross section requested has not been provided.

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Continuation of Condition #6....

No. 10. Plans: All headwalls and pipes that discharge to the stream must have properly sized stone aprons. Provide calculations in accordance with NYSDEC requirements for sizing these aprons and details for each apron.

This is incomplete. Calculations to support the riprap sizing should be provided.

No. 13. Plans: Provide hydraulic profiles for a 100-year design storm for all three systems drawn to a vertical scale. As a minimum, include the trench drains, inlet control structures, sand filters, and outlet control structures in the profiles. Show the inlet pipes to and the outlet pipes from the detention storage structures. Applicant's response indicates that this has been provided on the plan, please specify where this can be found.

No. 16. Plans: Maintenance responsibility for the stormwater management facilities shall be vested with a responsible authority by means of a legally binding and enforceable maintenance agreement that is executed as a condition of plan approval. The maintenance requirements for the stormwater management facilities must be added to the plans.

No. 17. Sheet 3 (Grading Plan): The Applicant should provide additional spot elevations in the parking lot to ensure that stormwater runoff will be directed to the curb and catch basin, or to the Dry Pond. The parking area contains a bathroom, for which the Applicant should provide additional spot elevations around to ensure positive drainage. Additionally, indicate whether the spot elevations already shown are pavement elevations or top of curb elevations.

No. 18. Sheet 3 (Grading Plan): The pipe between CS#2 and Headwall #2A is shown as 12" PVC on Sheet 3, but shown as 15" ADS on Sheet 7. All outlet pipes shall be a minimum of 15".

No. 19. Sheet 3 (Grading Plan): The pipe between CS#1 and Headwall #1A is shown as 12" PVC on Sheet 3, but shown as 15" ADS on Sheet 6. There also appears to be an inconsistency between the Plan View and Profile View for this detail on Sheet 6. This appears to be a continuity issue.

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Continuation of Condition #6....

No. 20. Sheet 3 (Grading Plan): The top of Headwall #1B is shown as 69.0 on Sheet 3, but is shown as 70.0 in Plan and Profile View #1 on sheet 6. confirm the correct elevation.

No. 21. Sheet 3 (Grading Plan): The top of Headwall #2B is shown as 69.0 on Sheet 3, but is shown as 70.0 in Plan View #2 on Sheet 7. confirm the correct elevation.

No. 22. Sheet 3 (Grading Plan): The grate elevation for CS#1 is shown as 69.5 on Sheet 3, but is shown on Sheet 6 as 69.9 in Profile View of the Sand Filter System and on the Control Structure System #1 Detail. Confirm the correct elevation.

No. 23. Sheet 3 (Grading Plan): The grate elevation for CS#2 is shown as 69.3 on Sheet 3, but is shown on Sheet 7 as 70.0 in Profile View of the Sand Filter System and as 69.9 in the Control Structure System #2 Detail. Confirm the correct elevation.

Drainage Consultant Conclusion: While the applicant has addressed most of the comments contained in the previous December 8, 2010 letter, there still remains a number of items which require more detail before the Consultant can recommend acceptance for drainage without conditions. There appears to be several inconsistencies between the drainage structure elevations provided in plan view, and those provided in profile view on the details sheets. Also, the Applicant's March 4, 2011 response letter made reference to trench volume calculations which were not provided. Rip rap calculations for all end sections should also be provided in future submittals.

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

- Concerns expressed in the September 20, 2010 letter from the New York State Department of Transportation shall be addressed and an updated review obtained. All required permits shall be obtained.
- As indicated in the January 26, 2011 letter from the Rockland County Drainage Agency, a permit will be required.

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Continuation of Condition #7....

- The applicant shall comply with the directives contained in the February 2, 2011 letter from the U.S. Army Corps of Engineers.
- The concerns expressed in the August 24, 2010 letter from the New York State Department of Environmental Conservation shall be addressed and all required permits obtained.
- There shall be no net increase in stormwater runoff.
- Prior to the start of construction or grading, 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.
- It is the understanding of the Rockland County Department of Planning that there will be no signs added to the property and that the only light to be added will be a single small light at the restrooms building. If there is intent to add any additional signage or lighting, the Town shall be satisfied that the plans meet all Town requirements.
- A stormwater pollution prevention plan (SWPPP) was not provided. The SWPPP, if required, shall conform to the current regulations, including the New York State Stormwater Management and Design Manual (August 2010) and local ordinances.

8. The Rockland County Department of Highway reviewed the plans and information provided and found the requested action shall have no foreseeable adverse effect upon county roads in the area.

9. Rockland County Department of Health reviewed the Site Plan and found that the application is to be made to RCDOH for review of the storm water management system for compliance with the County Mosquito Code.

10. Based upon Rockland County Drainage Agency (RCDA) evaluation of available mapping and information submitted, it has been determined that the proposed activity is within the jurisdiction of the RCDA. The applicant has submitted an application to the RCDA, Permit Application No. 11-09, together with the supporting information and it is currently under review. Work shall not take place at this site until a valid permit is obtained from the RCDA.

11. Rockland County Sewer District (District) had the following comments which are incorporated herein as conditions of approval:

- This project does not affect any District facilities;
- The District maintains sewers in an easement on the above property. Although this proposal does not appear to affect the easement, Rockland County Sewer District, the following information is offered by the District:

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Continuation of Condition #11...

- a)** No permanent structures may be built within the District easements.
- b)** If any foundation work or other types of major excavation work is to be done within close proximity to the easement boundary, the District must be notified forty-eight (48) hours in advance. Shoring or other types of precautions may be needed to protect the sewer main. The property owner must also pay these expenses.
- c)** To prevent any damages from occurring to the existing main, the District must be notified when the land within the easement is to be modified. This includes but is not limited to regrading, raising or lowering of manhole frames, or working in close proximity to sewers and manholes within the easement. The District office must approve any construction to be done with the District easements.
- d)** A contractor must obtain required insurance and sign a waiver to defend, indemnify, save and hold harmless both the County of Rockland and Rockland County Sewer District No. 1 from any claims arising from work performed with its easements.
- e)** The applicant must inform the District if any development is this project change to affect the Rockland County Sewer District No.1.

12. The applicant shall address and comply with any comments provided by the New York State Department of Transportation (NYSDOT).

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

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

15. 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 #15...

- 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.

16. 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.

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

19. 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).

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

21. 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

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

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

Dated: April 27, 2011

Town of Orangetown Planning Board