

**TOWN OF ORANGETOWN PLANNING BOARD
MEETING OF APRIL 28, 2010**

MEMBERS PRESENT: Bruce Bond, Chairperson; Jeffrey Golda; William Young; John Foody; Robert Dell (arrived at 7: 35 p.m.) and Andy Stewart

MEMBERS ABSENT: Kevin Garvey, Vice-Chairperson

ALSO PRESENT: Michael Manzare, 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 7:30 P.M. Mr. Bond read the agenda. Hearings as listed on this meeting's agenda which are made a part of these minutes, were held as noted below:

New Items:

Ramsay Subdivision Plan Final Subdivision Plan Review 77.08/5/33; RG zoning district	Final Approval Subject to Conditions	PB #10-17
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Thorpe Village Wetlands Remediation Project Site Plan Prepreliminary/Preliminary/Final Site Plan and SEQRA Review 74.16/1/23; R-40 zoning district	Continued: Needs Drainage	PB #10-18
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Other Business:

1. **Giulio's Handicap Ramp Entrance:** The Board reviewed the proposed improvement to the building and determined that review was not required by the Planning Board. The applicant shall be made aware that it is still necessary to present its plans to the Town of Orangetown Historic Areas Board of Review and the Architecture and Community Appearance Board of Review.
2. **Sylar/Adams Retaining Wall Site Plan:** The Board reviewed a request to downsize an approved Retaining Wall Site Plan (PB #09-51, 9/30/09). The Board determined that the applicant should reappear in front of the Board as a "Consultation" at the next available meeting.

The decisions of the April 14, 2010 Planning Board Meeting was reviewed, edited and approved. The motion for adoption was made and moved by William Young and seconded by John Foody and carried as follows: Robert Dell, abstain; Kevin Garvey, absent; Bruce Bond, aye; Jeffrey Golda, aye; John Foody, aye; Andy Stewart, aye and William Young, aye.

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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 William Young and seconded by Jeffrey Golda and agreed to by all in attendance. The meeting was adjourned at 8:30 p.m. The next Planning Board meeting is scheduled for May 12, 2010.

**DATED: April 28, 2010
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TO: Jay Greenwell, PLS, 85 Lafayette Avenue, Suffern, New York 10901
FROM: Town of Orangetown Planning Board

RE: The application of Kevin Ramsay, owner, for Final Subdivision Review for a 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 110 Sparkill Avenue, Southeast corner of the intersection of Sparkill Avenue and 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 28, 2010** at which time the Board made the following determinations:

Kevin Ramsay and Jay Greenwell appeared and testified.

The Board received the following communications:

1. A Project Review Committee Report dated April 21, 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 28, 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 23, 2010.
4. A letter from HDR signed by Harvey Goldberg, P.E., dated April 13, 2010.
5. A letter from the Rockland County Department of Planning, signed by Salvatore Corallo, Commissioner of Planning, dated April 23, 2010.
6. A letter from Rockland County Department of Highways, signed by Joseph Arena, Principal Engineering Technician, dated April 27, 2010.
7. Letters from Rockland County Department of Health, dated March 23, 2010 signed by Scott McKane, P.E., Senior Public Health Engineer, dated March 24, 2010 signed by Brian Hunderfund, Sr. Env. Health Specialist.

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8. A letter from United Water New York signed by Jack Ferraro, New Business Manager, dated March 15, 2010.
9. Hydrologic Analyses and Stormwater Design Calculations Report prepared by Leonard Jackson Associates dated October 2009, last revised March 2010.
10. Plans prepared by Jay Greenwell, PLS:
 - Sheet 1: Subdivision; dated January 15, 2008, revised March 11, 2010
 - Sheet 2: Grading, Drainage, Soil Erosion & Utility Plan dated January 15, 2008, revised March 11, 2010
 - Sheet 3: Details dated October 10, 2008, revised March 11, 2010
11. PB #08-66, Preliminary Approval Subject to Conditions, dated February 24, 2010, Neg. Dec.

The Board reviewed the plan.

The hearing was then opened to the Public. There being no one to be heard from the Public, a motion was made to close the Public Hearing portion of the meeting by William Young and seconded by John Foody 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, absent.

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

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

DECISION: In view of the foregoing and the testimony before the Board, the application was GRANTED A FINAL 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."

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2. The following note shall be placed on the Subdivision Plan regarding Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.
3. The applicant shall comply with all relevant and applicable conditions of previous Board conditions: PB #08-66, Preliminary Approval Subject to Conditions, dated February 24, 2010, Neg. Dec.
4. The applicant shall provide an irrevocable Letter of Offer of Dedication along Sparkill Avenue of 5 feet for roadway improvements sometime in the future. The Letter of Dedication shall be subject to review and approval in substance and form to the Town of Orangetown Town Attorney's Office.
5. A 3 foot clearance from the proposed driveway shall be noted on the subdivision plan for the fire hydrant.
6. On the Northeast corner of Lot #1, the cluster of Maple trees shall be saved by placing a Contract Limit Line. A Contract Limit Line shall be placed in Lots #1 and #2, at a 25 foot minimum from the rear of the lots.
7. The sight distance for the two new driveways for subdivision Lots #1 and #1 shall be shown on the plan.
8. The revised drainage calculations are currently under review by DEME. The applicant's engineer shall specify whether the Perc Rate given in the supplied drainage calculation (dated March 12, 2010) is assumed or based upon a field survey. If the per rate is assumed, a field Perc Test shall be administered prior to receiving final approval for site plan, to ensure adequacy of designed drainage system. The applicant's engineer shall provide a copy of the field Perc Test to 10. DEME and the Building Department.
9. The site is located at the intersection of Sparkill Avenue (a paper street) and William Street in Sparkill. The 1.49 acre site is currently undeveloped except for the remains of an existing home, driveway, patio and garage that are to be removed. The wooded site drains from northwest to southeast toward the Sparkill Creek. The 100-yr flood elevation in the Sparkill Creek is shown as EI 28.5.

The Applicant proposes to subdivide the parcel into two lots. Each lot will contain a proposed dwelling and paved driveway. The impervious area of Lot 1 will be reduced. Lot 2 will have a net increase in impervious area. A drywell gallery is proposed to mitigate the increase in runoff. The gallery will contain two drywells in an 11ft by 22ft stone surround.

In our previous review letter dated February 5, 2010, we recommended acceptance for drainage subject to several conditions, the following of which have not been satisfied:

- A Rockland County Drainage Agency Permit must be obtained.

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10. The Rockland County Department of Health (RCDOH), Environmental Health Program reviewed the subdivision plan and offered the following comments:

Application has been made and is granted from the RCDOH for the stormwater management system regarding compliance with the County Mosquito Code.

11. United Water New York reviewed the plans and found the following:

- Water service can currently be made available to the proposed two lot subdivision using a projected max day demand of 1500 gpd, subject to the following conditions:

a) Prior to the installation of any services or the extension of any mains, hydraulic data pertinent to the project must be provided to United Water New York, for its Engineering Department review and approval.

b) If, as a result of such review, it is decided that any extension of mains or pipes or modification of other facilities is required in order to meet the hydraulic needs of the project, those mains or facilities will be installed or extended by the applicant in accordance with the terms and conditions of United Water New York's standard agreements for extensions. Service will be provided in accordance with the terms and conditions set forth in United Water New York's filed Tariff, as amended or modified from time to time.

c) Water mains shall be laid in accordance with the Recommended Standards for Water Works (a.k.a. Ten State Standards).

- This willingness to serve letter is contingent upon United Water New York Inc. having County, State and Federal regulatory authorization to provide the requested water service and is valid for nine (9) months from the date of issuance. If the main installation/extension or service installation is not completed and approved by the Rockland County Department of Health within nine (9) months from the date this letter is issued, this willingness to serve letter will expire, and it will be necessary for you to request a new willingness to serve letter.

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

As indicated in the November 3, 2009 and January 15, 2010 letters from the Rockland County Drainage Agency, a permit will be required from this agency and a permit application must be submitted.

Pursuant to the Rockland County Stream Control Act, the subdivision map must be reviewed and approved by the Chairman of the Rockland County Drainage Agency before the Rockland County Clerk will accept same for filing.

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Continuation of Condition # 12....

A review shall be completed by the U.S. Army Corps of Engineers and any required permits obtained.

Public sewer mains requiring extensions within a right of way or an easement shall be reviewed and approved by Rockland County Department of Health prior to construction.

Water is a scarce resource in Rockland County; thus proper planning and phasing of this project are critical to supplying the current and future residents of the Towns, Villages and County with an adequate supply of water. 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.

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.

Prior to any grading or construction on the site, a soil and erosion control plan shall be developed that meets the New York State Guidelines for Urban Erosion and Sediment Control.

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

A notes on the plat shall be added that the restrictions applicable to the Conservation Area, including that there shall be no structures or equipment placed in this area

The Rockland County Department of Planning requests the opportunity to review any variances that may be requested from the Town of Orangetown Zoning Board of Appeals in order to implement the revised Site Plan, as required by New York State General Municipal Law, Section 239-m, (a)(v).

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13. Since the proposed subdivision 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.

14. 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 within the jurisdiction of the RCDA and a permit from the RCDA pursuant to the Rockland County Stream Control Act, Chapter 846, is required. 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.

15. The following note must be added to the subdivision mylar prior to review by RCDA: The site is located within the jurisdiction of the Rockland County Drainage Agency pursuant to the Rockland County Stream Control Act, Chapter 846. A valid permit must be obtained from the Rockland County Drainage Agency prior to the commencement of any work within the jurisdiction of the Rockland County Drainage Agency.

16. The New York State Department of Transportation reviewed the subject project and found that while the site is not on a state highway, any change in the runoff into the Sparkill Creek may impact the drainage along Route 340. NYSDOT requests that a copy of the approval from the Rockland County Drainage Agency verifying zero net increase in runoff from the site.

17. Where a reservation of land for recreation purposes has been deemed by the Planning Board to be inadequate, Money in Lieu of Land for recreation purposes must be collected in accordance with Section 21-20 of the Land Development Regulations (\$9,000.00 for every vacant new residential lot). In addition, for every new vacant residential lot, \$80.00 will be collected for the Stream Maintenance Fund.

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

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

20. 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:

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Continuation of Condition #20....

- 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.

21. 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.

22. 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.

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

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24. 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).

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

26. 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

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

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

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 28, 2010
Town of Orangetown Planning Board**

