

**TOWN OF ORANGETOWN PLANNING BOARD
MEETING OF APRIL 29, 2009**

MEMBERS PRESENT:

Robert Dell, Chairperson, Bruce Bond, Vice-Chairperson, Kevin Garvey, Andy Stewart, 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; Richard Pakola, Deputy Town Attorney; Ann Marie Ambrose, Stenographer and Deborah Arbolino, Administrative Aide
Robert Dell, 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:

Colonial Court Subdivision Request for an Extension of the Term of the Performance Bond; or Recommendation to the Town Board to Release the Performance Bond 69.13/2/2; R-22 zoning district	Recommendation to the Town Board to Release Performance Bond	PB #09-14
Sickletown Woods Subdivision Request for an Extension of the Term of the Performance Bond 69.08/1/1. R-40 zoning district	Granted a One Year Extension	PB #09-17
Sickels Farms Subdivision Request for an Extension of the Term of the Performance Bond; or Recommendation to the Town Board to Release the Performance Bond 69.08/1/2; R-40 zoning district	Continued to May 13th Planning Board Meeting	PB #09-22
Chestnut Petroleum Distributors Site Plan Prepreliminary/Preliminary Site Plan, and SEQRA Review 74.10/1/68; CS zoning district	Continued: Needs Drainage	PB #09-23
Peckish & Esurient, LLC Site Plan Prepreliminary/Preliminary/Final Site Plan and SEQRA Review 77.15/1/66; R-15 zoning district	Continued	PB #09-24

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135 South Highland Avenue **Continued** **PB #09-25**
Resubdivision Plan Prepreliminary/
Preliminary/Final Resubdivision Plan,
and SEQRA Review
68.15/2/77 & 78; R-15 zoning district

Orange and Rockland Utilities, Inc. Site Plan **PB #09-26**
Prepreliminary/Preliminary **Continued to July 8th**
Site Plan, Conditional Use Permit **Planning Board Meeting**
and SEQRA Review
Corporate Drive Substation
73.15/1/19; LIO zoning district

Buonadonna Subdivision Plan **PB #09-27**
Prepreliminary/Preliminary **Preliminary Approval**
Subdivision Plan, **Subject to Conditions**
and SEQRA Review **Neg. Dec.**
68.12/3/24; RG zoning district

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.

The decisions of the April 6, 2009 Planning Board Meeting was reviewed, edited and approved. The motion for adoption was made and moved by Kevin Garvey and seconded by John Foody and carried as follows: Robert Dell, aye; Kevin Garvey, aye; Bruce Bond, aye; Jeffrey Golda, aye; John Foody, aye; Andy Stewart, aye and William Young, aye.

Since there was no further business to come before the Board, a motion to adjourn the meeting was made by Bruce Bond and seconded by Kevin Garvey and agreed to by all in attendance. The meeting was adjourned at 11:15 p.m.

The next Planning Board meeting is scheduled for May 13, 2009.

DATED: April 29, 2009
Town of Orangetown Planning Board

**PB #09-14 - Colonial Court Subdivision– Recommended to the Town Board
Release of the Performance Bond**

TOWN OF ORANGETOWN – PLANNING BOARD DECISION

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TO: Thomas Bertussi, Tri-Bee Ltd., President; 60-70 Dexter Plaza;
Pearl River, New York 10965
FROM: Orangetown Planning Board
RE: **Colonial Court Subdivision Plan:** The application of
Tri-Bee Ltd., applicant, for **Recommendation to the Town Board to Release
the Performance Bond** for a subdivision known as “Colonial Court 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 on Blauvelt Road, Pearl River, Town
of Orangetown, Rockland County, New York and as shown on the Orangetown
Tax Map as Section 69.13, Block 2, Lot 2 in the R-22 zoning district.

Thomas Bertussi appeared and testified.
Heard by the Planning Board of the Town of Orangetown at meetings held
Wednesday, March 25 and April 29, 2009, at which time the Board made the
following determination:

March 25, 2009

Thomas Bertussi appeared and testified.

The Board received the following communications:

1. Project Review Committee Reports dated March 4 & 18, 2009.
2. Interdepartmental memorandums signed by John Giardiello, P.E., Director of the Office of Building, Zoning and Planning Administration and Enforcement, Town of Orangetown, dated March 11 & 25, 2009.
3. An interdepartmental memorandum signed by Bruce Peters, P.E., Department of Environmental Management and Engineering (DEME), Town of Orangetown dated March 11, 2009.
4. Interdepartmental memorandums signed by James Dean, Superintendent, Town of Orangetown Highway Department, dated March 6 & 10, 2009.
5. An interdepartmental memorandum signed by Robert Magrino, Deputy Town Attorney, Office of the Town Attorney, Town of Orangetown dated March 11, 2009.
6. PB #05-136, Recommendation to the Town Board to Establish Value of Performance Bond, dated December 14, 2005.
7. A letter from Tri-Bee Ltd., signed by Thomas Bertussi, President, dated January 23, 2009, with an attachment of a letter from the Town of Orangetown Planning Board, dated January 12, 2009.

The Board reviewed the plan.

**PB #09-14 - Colonial Court Subdivision– Recommended to the Town Board
Release of the Performance Bond**

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April 29, 2009

Thomas Bertussi appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated April 22, 2009.
2. Interdepartmental memorandum signed by John Giardiello, P.E., Director of the Office of Building, Zoning and Planning Administration and Enforcement, Town of Orangetown, dated April 22, 2009.
3. An interdepartmental memorandum signed by Ronald Delo, P.E., Department of Environmental Management and Engineering (DEME), Town of Orangetown dated April 6, 2009 and James Dean, Superintendent, Town of Orangetown Highway Department, dated April 15, 2009.

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; Andy Stewart, aye; Jeffrey Golda, aye; John Foody, aye; Robert Dell, aye; William Young, aye and Kevin Garvey, aye.

RECOMMENDATION: In view of the foregoing, the Board **Recommended to the Town Board to Release the Performance Bond.**

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

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

**Dated: April 29, 2009
Town of Orangetown Planning Board**

PB #09-17 – Sickletown Woods Subdivision Plan: Request for an Extension of the Term of the Performance Bond Granted Subject to Conditions

TOWN OF ORANGETOWN PLANNING BOARD DECISION

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TO: William Brodsky; Carteret Group, 275 North Middletown Road
Pearl River, New York 10965
FROM: Orangetown Planning Board

The application of The Carteret Group, applicant, for Marsha and Joseph Rand, owners, Requesting an Extension of the Term of the Performance Bond for the "**Sickletown Woods 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 and Chapter 21 of the Code of the Town of Orangetown. The site is located on the north side of Camelot Way, 200 feet west of the intersection of Sickletown Road, Orangeburg, Town of Orangetown, Rockland County, New York and shown on the Orangetown Tax Map as Section 69.08 Block 1 Lot 2 in the R-40 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held Wednesday, April 29, 2009, at which time the Board made the following determination:

William Brodsky appeared and testified for the applicant.

The Board received the following communications:

1. Project Review Committee Reports dated April 1 & 22, 2009.
2. Interdepartmental memorandums signed by John Giardiello, P.E., Director of the Office of Building, Zoning and Planning Administration and Enforcement, Town of Orangetown, dated April 6 & 29, 2009.
3. Interdepartmental memorandums signed by Bruce Peters, P.E. Town of Orangetown, Department of Environmental Management and Engineering (DEME), dated April 2 & 24, 2009.
4. PB #99-151, Recommendation to the Town Board to Establish Value of Performance Bond, dated September 8, 1999.
5. A letter from the Town of Orangetown Planning Board, dated January 12, 2009.

The Board discussed the Request.

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 Bruce Bond and seconded by Kevin Garvey and carried as follows:

Bruce Bond, aye; Andy Stewart, aye; John Foody, aye; Jeffrey Golda, aye; William Young, aye, Robert Dell, aye and Kevin Garvey, aye.

PB #09-17 – Sickletown Woods Subdivision Plan: Request for an Extension of the Term of the Performance Bond Granted Subject to Conditions

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DECISION: In view of the foregoing, the Board **EXTENDED THE TERM OF THE SICKLETOWN WOODS SUBDIVISION PLAN PERFORMANCE BOND FOR 1 YEAR UNTIL APRIL 29, 2010**, subject to the following conditions:

1. The applicant shall provide proof satisfactory to the Town Attorney's Office that the security for the original performance bond is still in effect.
2. The applicant shall have 60 days from the date of this meeting to complete the plans as discussed with the Planning Board for the Detention Pond. The Plans shall be provided to the Building Department and the Planning Board Office in the required time noted.
3. All previous conditions of subdivision approval and performance bond requirement remain in effect.

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

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

Dated: April 29, 2009

Town of Orangetown Planning Board

PB #09-27 – Buonadonna Subdivision – Preliminary Approval Subject to Conditions/ Neg. Dec.

TOWN OF ORANGETOWN PLANNING BOARD DECISION

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TO: Donald Brenner, Esq., 4 Independence Avenue, Tappan, New York
10983

FROM: Orangetown Planning Board

RE: **Buonadonna Subdivision Plan:** Application of John Buonadonna, owner (Donald Brenner, attorney for the applicant) for Prepreliminary/Preliminary Subdivision Plan Review for a site to be known as "Buonadonna 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 and to determine the environmental significance of the application pursuant to the requirements of the New York State Environmental Quality Review Act. The site is located at 283 North Middletown Road, Pearl River, New York. Tax Map Numbers: 68.12/3/24; in the RG zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, April 29, 2009**, at which time the Board made the following determinations:

Donald Brenner, Doreen and John Buonadonna appeared and testified.

1. Project Review Committee Report dated April 22, 2009.
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 29, 2009.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated April 27, 2009.
4. An interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Ronald C. Delo, P.E., BCEE, Director, dated April 28, 2009.
5. Letters from the Rockland County Department of Planning, signed by Eileen Miller, dated April 20, 2009 and Salvatore Corallo, Commissioner of Planning, dated April 21, 2009.
6. Letters from Rockland County Highway Department, signed by Joseph Arena, Principal Engineering Technician, dated April 13, 2009 and Sonny Lin, P.E., dated April 13, 2009.
7. A letter from the Rockland County Drainage Agency, signed by Edward Devine, Executive Director, dated March 26, 2009.
8. A letter from the Rockland County Sewer District #1, signed by Joseph LaFiandra, dated April 24, 2009.

PB #09-27 – Buonadonna Subdivision – Preliminary Approval Subject to Conditions/ Neg. Dec.

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9. Letters from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated March 27 2009.
10. A letter from the Zoning Board of Appeals, Town of Orangetown, signed by William Mowerson, Chairman, dated April 1, 2009.
11. A letter from the Bureau of Fire Prevention, Town of Orangetown, signed by Michael Bettmann, Fire Inspector, dated April 20, 2009.
12. A Project Description prepared by applicant.
13. A Short Environmental Assessment Form signed by Suzanne Pfister, Esq., dated January 12, 2009.
14. Subdivision Plan prepared by Robert Rahnefeld, PLS, dated August 9, 2007.
15. Submitted at the meeting, a letter signed by Angela DeLisi, President, The Meadows at Pearl River Condominium, dated April 27, 2009.

Public Comment:

Regina Blake: 662 East Crooked Hill Road, a representative of the residents of a neighboring condominium development, consisting of 64 individuals; she submitted a letter signed by the president of the development, Angela DeLisi. Ms Blake held that the proposed development would be an improvement of the area since the property currently is a dump, containing concrete, trucks and assorted debris. She requested that the property appear in front of the Town Architectural and Community Appearance Board of Review for the placement of a vegetative buffer along the property line.

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

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The Orangetown Planning Board, as Lead Agency, determined that the proposed action will not have a significant adverse 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 adverse impact upon the environment and a DEIS will not be prepared because the proposed action does not significantly adversely affect air quality, surface or ground water quality, noise levels, drainage or existing traffic patterns. In addition, it will have no adverse impact upon the aesthetics, agricultural or cultural resources of the neighborhood and no vegetation, fauna or wildlife species will be adversely 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 Andy Stewart and carried as follows: Bruce Bond, aye; Andy Stewart, 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 A PRELIMINARY APPROVAL SUBJECT TO THE FOLLOWING CONDITIONS:

1. The following note shall be placed on the subdivision plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a Pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a Meeting."
2. 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

PB #09-27 – Buonadonna Subdivision – Preliminary Approval Subject to Conditions/ Neg. Dec.

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- 3.** The applicant shall make application to the Town of Orangetown Architecture and Community Appearance Board of Review for review and approval of the Subdivision Plan.
- 4.** The yard setbacks shall be labeled on the Subdivision Map. Note the rear yard is opposite the front yard which is parallel to Charles Street that abuts the property. The rear yard shall be minimum of 25 feet.
- 5.** The pre-existing single family residence and business on Lot #2 shall be reconfirmed by the Town of Orangetown Zoning Board of Appeals since they lie within the MFR zone district.
- 6.** A typical building footprint, driveway access, grading, trees to be removed, direction of drainage, etc, shall be shown on the plan.
- 7.** The driveway access from Charles Street shall be approved by the Town of Orangetown Superintendent of Highways.
- 8.** A letter from the Town of Orangetown Bureau of Fire Prevention shall be obtained for purposes of fire equipment access to Lot #1.
- 9.** The Short Environmental Assessment Form appears to be in order.
- 10.** The applicant shall indicate as to whether proposed Lot #2 will utilize the existing entrance from Charles Street or require a new driveway into North Middletown Road.
- 11.** The existing sanitary house connection, or septic tank, shall be depicted for proposed Lot #2.
- 12.** The location of the driveway at the end of Charles Street is unacceptable. The applicant's engineer shall meet with the Town of Orangetown Highway Department to discuss viable alternatives.
- 13.** The proposed sanitary house connection for Lot #1 shall be shown on the plan.
- 14.** Iron pins shall be drawn and labeled at each property corner.
- 15.** The Town of Orangetown Department of Environmental Management and Engineering offered the following to the Planning Board: The attorney for the applicant has delivered to the Town of Orangetown a Drainage Easement, which will be incorporated into the Town of Orangetown Cherry Brook Flood Retention Program. Since the property borders the existing detention facility, DEME no longer requires flood retention on the Buonadonna parcel, which is delineated as 68.12/3/24. Any improvements on said property can freely discharge into the Town's drainage system.

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

1) The applicant shall address concerns of the April 13, 2009 letter from the Rockland County Highway Department and obtain all required permits.

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

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

4) 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 Villages, Towns, and County with an adequate supply of water. A letter from the public water supplier, stamped and signed by a New York State licensed professional engineer, shall be issued to the municipality for the project certifying that there will be sufficient water supply during peak demand periods and in a drought situation.

5) If any public water supply improvements are required, engineering plans and specifications 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 New York State licensed professional engineer and shall be accompanied by a completed New York State Department of Health Form 348, which must be signed by the public water supplier.

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

7) The Rockland County Department of Planning requests the opportunity to review any variances that may be requested in order to implement the proposed subdivision plan and change of use, as required by the New York State General Municipal Law, Section 239-m (3)(a)(v).

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17. Rockland County Department of Highway requested the following information to be submitted for review and is a condition of approval:

A narrative shall be provided to indicate the existing usage of the land and the two story dwelling.

The applicant shall demonstrate on the drawing how the access for proposed Lot #1 will be obtained and which portion of the existing paved driveway is to remain or to be removed.

18. A Rockland County Highway Department Work Permit and Road Opening Permit will be required for the proposed construction. A note shall be added to the Subdivision Map to this effect.

19. 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.

20. 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.

21. The records of the Rockland County Health Department indicated that there is an existing well on the property. This is to be shown on the subdivision plan. Approval may be needed from the Health department's Bureau of Mosquito Control, dependant on the drainage improvements required.

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

23. The Town of Orangetown Bureau of Fire Prevention had the following comments:

1) All driveways must provide a proper turning radius to accommodate a 55 foot long piece of fire apparatus;

2) All driveways must be a minimum of 20 feet in width with vertical clearance of 13 feet 6 inches; and

3) The Subdivision Plan shall be revised to clearly show the above mentioned items prior to approval by the Town of Orangetown Bureau of Fire Prevention.

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

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25. 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.

26. 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.

PB #09-27 – Buonadonna Subdivision – Preliminary Approval Subject to Conditions/ Neg. Dec.

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27. 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.

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

29. 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).

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

31. 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

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

33. 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.

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

PB #09-27 – Buonadonna Subdivision – Preliminary Approval Subject to Conditions/ Neg. Dec.

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Override

The Board made a motion to override Condition #2 of the April 21, 2009 letter from Rockland County Department of Planning, signed by Salvatore Corallo, Commissioner of Planning, for the following reasons:

“#2. Drainage plans and calculations for the subdivision plat shall demonstrate that there will be no net increase in storm water runoff from the subject property.”

The Board held the Town of Orangetown did not require the applicant to submit drainage plans and calculations, since the letter from the Town of Orangetown, Department of Environmental Management and Engineering, signed by Ronald C. Delo, P.E., BCEE, dated April 28, 2009 states the following: the Buonodonnas have delivered to the Town of Orangetown a Drainage Easement, which will be incorporated into the Town of Orangetown Cherry Brook Flood Retention Program. Since the property borders the existing detention facility, DEME no longer requires flood retention on the Buonadonna parcel, which is delineated as 68.12/3/24. Any improvements on said property can freely discharge into the Town's drainage system.

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

The foregoing Resolution was made and moved by Bruce Bond and seconded by John Foody and carried as follows: Bruce Bond, aye; Kevin Garvey, aye; Andy Stewart, aye; William Young, aye; John Foody, aye; 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 29, 2009

Town of Orangetown Planning Board

TOWN OF ORANGETOWN PLANNING BOARD DECISION
State Environmental Quality Review Regulations
NEGATIVE DECLARATION
Notice of Determination of Non-Significance

April 29, 2009

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: Buonadonna Subdivision – Preliminary Approval Subject to Conditions/ Neg. Dec.

SEQR STATUS: Type I _____ Unlisted XXXXXX

CONDITIONED NEGATIVE DECLARATION: Yes _____ No XXXXXX

DESCRIPTION OF ACTION: Subdivision Plan Review

LOCATION: The site is located at 283 North Middletown Road, Pearl River, New York, New York. Tax Map Numbers: 68.12/3/24; in the RG 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