

**TOWN OF ORANGETOWN PLANNING BOARD
MEETING OF APRIL 6, 2009**

MEMBERS PRESENT:

Robert Dell, Chairperson; Bruce Bond, Vice-Chairperson; Kevin Garvey;
Andy Stewart; John Foody and Jeffrey Golda

MEMBERS ABSENT: William Young

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 Gina Raymond, Clerk

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:

Sickletown Woods Subdivision Request for an Extension of the Term of the Performance Bond 69.08/1/1; R-40 zoning district	Postponed to April 29th Meeting	PB #09-17
Walsh Subdivision Plan Reapproval of Final Subdivision Plan Review PB #07-38, dated June 27, 2007 and Reaffirmation of SEQRA 64.20/1/3; R-40 zoning district	Approved Subject to Conditions and Reaffirmation of SEQRA	PB #09-19
<u>Continued Item from the July 9, 2008 Meeting</u>		
Pre-School Playhouse Expansion Site Plan Prepreliminary/Preliminary Site Plan And SEQRA Review 70.14/2/32; R-15 zoning district	Continued: Respond to Referral Letters	PB #08- 38
S. Corner Plaza Site Plan Prepreliminary/Preliminary Site Plan And SEQRA Review 74.11/2/47; CC zoning district	Continued	PB #09-20
Center Street Corp. Subdivision Plan Final Subdivision Plan Review Critical Environmental Area 75.05/1/10; R-22 zoning district	Final Approval Subject to Conditions	PB #09-21

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The decisions of the March 25, 2009 Planning Board Meeting was reviewed, edited and approved. The motion for adoption was made and moved by Kevin Garvey and seconded by Jeffrey Golda 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, absent.

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 Andy Stewart and agreed to by all in attendance. The meeting was adjourned at 9:40 p.m.

The next Planning Board meeting is scheduled for April 29, 2009.

DATED: April 6, 2009
Planning Board Town of Orangetown

PB #09-19 – TOWN OF ORANGETOWN PLANNING BOARD DECISION

**Walsh Subdivision Reapproval of Final Subdivision Plan Review;
PB #07-38, dated June 27, 2007, Approved subject to Conditions/
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TO: Gerald Walsh; 253 Townline Road; West Nyack, NY 10994
FROM: Orangetown Planning Board
RE: The application of Gerald and Bonnie Walsh, owners for **Reapproval of Final Subdivision Plan Review; PB #07-38, dated June 27, 2007 and Reaffirmation of SEQRA** for a proposed three lot subdivision to be known as **“Walsh 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 at 252 Townline Road, West Nyack, Town of Orangetown, Rockland County, New York and as shown on the Orangetown Tax Map as Section 64.20, Block 1, Lot 3 in the R-40 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Monday, April 6, 2009**, at which time the Board made the following determinations:

Gerald Walsh appeared and testified.

The Board received the following communications:

1. Project Review Report dated April 1, 2009.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated April 6, 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 2, 2009.
4. A letter from the Rockland County Department of Planning, signed by Salvatore Corallo, Commissioner of Planning, dated March 31, 2009.
5. A letter from Rockland County Highway Department, signed by Joseph Arena, Principal Engineering Technician, dated March 25, 2009.
6. A letter from the Rockland County Sewer District No.1, signed by Joseph LaFiandra, dated March 30, 2009.
7. A letter from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated March 2, 2009.
8. Letters from the Town of Clarkstown Planning Board, signed by Shirley Thormann, Chairwomen, dated March 12, 2009, May 7, 2007 and April 24 & March 9, 2006.

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9. A letter from the Palisades Interstate Park Commission, signed by Karl Roecher, Landscape Architect, dated March 10, 2009.
10. Subdivision Plan prepared by HDR, dated February 6, 2006, last revision date of April 18, 2008.
11. Copies of the following Board decisions: PB #07-38, Final Subdivision Approval Subject to Conditions, dated June 27, 2007, ACABOR #07-17, Approved with Conditions, dated March 6, 2007, ZBA #06-90, Approved with Conditions, dated September 6, 2006 and PB #06-24, Preliminary Approval Subject to Conditions, Neg. Dec., dated May 24, 2006.

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

Reaffirmation of SEQRA

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 Bruce Bond and carried as follows: Robert Dell, aye; Andy Stewart, aye; William Young, absent; Bruce Bond, 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

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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 Bruce Bond and carried as follows: Bruce Bond, aye; Andy Stewart, aye; Robert Dell, aye; John Foody, aye; William Young, absent; 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 REAPPROVAL OF THE FINAL PLANNING BOARD PLAN REVIEW, PB #07-37, DATED JUNE 27, 2008, SUBJECT TO THE FOLLOWING CONDITIONS:

1. The applicant shall comply with all pertinent and applicable conditions of all previous Board Decisions: PB #07-38; Final Approval Subdivision Subject to Conditions, dated June 27, 2007; ACABOR #07-17, Approved with Conditions, dated March 6, 2007, ZBA #06-90, Approved with Conditions, dated September 6, 2006 and PB #06-24, Preliminary Approval Subject to Conditions, Neg. Dec., dated May 24, 2006.
2. 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."
3. The agency with jurisdiction over the wetlands on site is the U.S. Army Corps of Engineers. A jurisdictional determination letter from the U.S. Army Corps of Engineers shall be provided. If there are any use restrictions applicable to the wetland, the restrictions shall be explained on the subdivision plat. A review shall be completed by the U.S. Army Corps of Engineers and all required permits obtained.

PB #09-19 – TOWN OF ORANGETOWN PLANNING BOARD DECISION

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4. Wetlands to be preserved and any wetlands buffers or setbacks shall be shown as Conservation Easements and notes shall be placed on the subdivision plat explaining the use restrictions for these areas, including that no accessory structures shall be placed in these areas.
5. For the access/utility easement included on the plat, notes shall be included that indicate the entity with maintenance responsibilities for these easements and the improvements within the easement.
6. Any 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. 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.
8. 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.
9. The soil erosion and sediment control plans and details are under review by DEME. The Soil Erosion and Sediment Control Plan shall meet the NYS Guidelines for Urban Erosion and Sediment Control.
10. There shall be no net increase in storm water runoff from the site.

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11. The Rockland County Highway Department reviewed sheet 01C -1-1 revision 6 of Subdivision Plat from HDR Engineering dated 4/18/08 and concur with the conceptual design of the subdivision. The Highway department request that a note be added to the subdivision map indicating that a permit is required from the Rockland County Highway Department prior to any excavation or construction on the site. Prior to its permit approval, the applicant shall provide the following information and/or details to the Rockland County Highway Department for review and approval:

Rockland County Highway Department is concerned that stormwater traveling along Townline Road will enter into the improved driveway entrance and continue down toward the dwellings. Prior site plan submissions indicated a drywell would be installed to help control driveway drainage. The subdivision map indicates that a drainage diversion ditch graded accordingly. The applicant shall clarify any discrepancy.

The Site Plan shall indicate the extent or any proposed curbing along the driveway.

A Rockland County Highway Department Work Permit and Road Opening Permit must be secured prior to the start of any construction on site.

Under the Drainage Section of the Rockland County Highway Department Standard Specifications, revised by the County Highway Department in November 2005, a Drainage Maintenance Fee of \$500.00 per legal tax lot will be imposed on each subdivision and/or site plan. This fee will be returned once the final drainage structures and site grading has been completed. Should the County Highway Department Work Forces be required to mitigate any potential hazards created along or within the county roadway during construction, the Rockland County Highway Department costs will be subtracted from the drainage maintenance fee.

12. All necessary Rockland County Health Department approvals have previously been obtained for approval of this project. The applicant is reminded that well permits must be obtained prior to drilling, see note #39 on the Site Plan.

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13. The Palisades Interstate Parkway prefers that wetland disturbances be minimized to the greatest extent possible.

14. 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.

15. 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.

16. Application for Sewer Extension approval is to be made to the Rockland County Health Department (RCDOH). Any approval given by the Board shall be conditioned upon RCDOH approval. The submission is to include a profile for the proposed sewer main. The Environmental Assessment form is to be modified to reflect this approval.

17. A note shall be added to the plans stating that well permits are to be obtained from the Rockland County Health Department prior to drilling.

18. Separate application is to be made to the RCDOH for review of the storm water management system for compliance with the County Mosquito Code.

19. All previous conditions of subdivision approval remain in effect.

20. The subdivision is located outside the boundaries of Rockland County Sewer District No. 1 (District), and any proposed dwellings would connect to the District's sewer system on Townline Road. A permit application **for each connection** must be submitted to the Executive Director, which must be supplemented by any plans, specifications, insurance indemnification, or other information considered pertinent in the judgment of the Executive Director. The application must be accompanied by:

- a. A Resolution from the municipality in which this project is located, which approves the hookup of the sewer from this project to the Rockland County Sewer District No. 1 sewer system. The application documents include a copy of Resolution No. 360 by the Town of Orangetown Board dated May 27, 2008 approving the sewer connections from this subdivision to Rockland County Sewer District No. 1.

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Continuation of Condition #20....

- b. An out-of-district connection fee of three thousand seven hundred dollars (\$3,700.00) per connected unit, or as established by resolution of the Board of Sewer Commissioners, which must be paid within thirty (30) days of the Board's approval of the connection.
 - c. The annual sewer use fee for operation and maintenance, which must be paid within ten (10) days of sewer service becoming available and pro-rated as of that date.
 - d. The area benefit fee, which commences on the date of the Board of Sewer Commissioners' approval of the project. Area benefit is calculated by an annual tax rate per one hundred dollars (\$100.00) of assessed value. This fee must be paid before release of approval.
 - e. An executed copy of a covenant agreeing to abide by the rules, laws and regulations of the District and its Law, as it may be amended, including the payment of annual sewer use fees and annual area benefit fees. This covenant must be:
 - i. In recordable form, including all prior mortgages or other encumbrances,
 - ii. Accompanied by requisite fees for recording as set forth by the County Clerk,
 - iii. Accompanied by an up to date Title Report and paid policy of Title Insurance,
 - iv. Acknowledged by owner of the land, and
 - v. Accompanied by a complete site survey and property description.
- 21.** These out-of-District connections to Rockland County Sewer District No. 1 requires approval from the Rockland County Department of Health. The application documents include a copy of the Health Department's approval letter dated March 12, 2008.
- 22.** The Rockland County Sewer District No.1 requires that the details for sanitary sewer construction must comply with the District's construction standards and shall be shown on the plans. If the District standards differ from the Town of Orangetown standards, the stricter standards will apply.
- a. "Section 11 – Infiltration/Exfiltration Testing" of Construction Standards for Rockland County Sewer District No. 1 specifies that "the infiltration rate shall not exceed 25 gallons per 24 hours per mile per nominal diameter in inches." The design engineer shall revise Note #17 on the subdivision plat to conform to this.
- 23.** Rockland County Sewer District No. 1 requires sanitary sewer construction to conform to District standards. This includes but is not limited to relative air, vacuum and deflection testing of mainline sewer and manhole construction. The District must receive and approval certification of test results from a licensed professional engineer before approving the sewers on this project.

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24. In order to reduce infiltration into the system, the District requires that the precast and doghouse sanitary manhole construction be in accordance with the District's standards. The District's standards details require the joints to have butyl rubber seals with mortar in and out, and then to be coated with "infi-shield" EPDM rubber seal wrap or approval equal.

25. Rockland County Sewer District No. 1 requests the submissions of as-built drawings of any sanitary sewer extension to Rockland County Sewer District No.1 be made a condition of Granting a Certificate of Occupancy.

26. Details for the sanitary sewer connection are subject to approval by the Town of Clarkstown.

27. 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.

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

Over ride:

The Board made a motion to override Condition #1 in the letter from the Rockland County Department of Planning, dated March 31, 2009, signed by Salvatore Corallo, Commissioner of Planning.

"#1. The concerns expressed in the March 25, 2009 letter from Rockland County Highway Department shall be addressed and all required permits obtained".

The Board held that the application was a Reapproval of a subdivision plan and the drainage calculations had previously been reviewed and accepted. The Rockland County Highway letter of March 25, 2009, Condition #3, requires the submission of drainage calculations. The drainage calculations shall only be submitted if required for the Rockland County Highway Permit.

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

The foregoing Resolution was made and moved by Kevin Garvey and seconded by Jeff Golda and carried as follows: Bruce Bond, aye; Kevin Garvey, aye; Andy Stewart, aye; William Young, absent; 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 6, 2009

Town of Orangetown Planning Board

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

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

**Walsh Subdivision Reapproval of Final Subdivision Plan Review;
PB #07-38, dated June 27, 2007, Approved subject to Conditions/
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This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Regulation) of the Environmental Conservation Law.

The PLANNING BOARD, TOWN OF ORANGETOWN, as Lead Agency, has determined that the proposed action described below will not have a significant impact on the environment and a Draft Environmental Impact Statement will not be prepared.

NAME OF ACTION: Walsh Subdivision Reapproval of Final Subdivision Plan Review; Reaffirmation of SEQRA

SEQR STATUS: Type I _____ Unlisted XXXXXX

CONDITIONED NEGATIVE DECLARATION: Yes _____ No XXXXXX

DESCRIPTION OF ACTION: Subdivision Plan Review and Reaffirmation of SEQRA

LOCATION: The site is located at 252 Townline Road, West Nyack, Town of Orangetown, Rockland County, New York and as shown on the Orangetown Tax Map as Section 64.20, Block 1, Lot 3 in the R-40 zoning district.

REASONS SUPPORTING THIS DETERMINATION:

The Orangetown Planning Board, as Lead Agency, reaffirms it's previous Negative Declaration dated May 24, 2006 and reaffirms 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

PB #09-20 – TOWN OF ORANGETOWN PLANNING BOARD DECISION
April 6, 2009
Center Street Corp. Subdivision Plan - Final Subdivision Plan Approval
Subject to Conditions; Critical Environmental Area
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TO: Donald Brenner; 4 Independence Avenue; Tappan, New York 10983

FROM: Orangetown Planning Board

RE: The application of **Center Street Corporation**, owner, for Final Subdivision Plan for a proposed two lot subdivision at site to be known as "**Center Street Corp. Subdivision Plan**", located in the Critical Environmental Area, 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 Tweed Boulevard, Upper Grandview, Town of Orangetown, Rockland County, New York and as shown on the Orangetown Tax Map as Section 75.05, Block 1, Lot 10 in the R-22 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Monday, April 6, 2009**, at which time the Board made the following determinations:

Ken DeGennaro and Donald Brenner appeared and testified. The Board received the following communications:

1. Project Review Committee Report dated April 1, 2009.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated April 6, 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 2, 2009.
4. A letter from HDR signed by Harvey Goldberg, P.E., dated March 21, 2009.
5. A letter from the Rockland County Department of Planning, signed by Salvatore Corallo, Commissioner of Planning, dated March 27, 2009.
6. A letter from Rockland County Highway Department, signed by Joseph Arena, Principal Engineering Technician, dated March 20, 2009.
7. A letter from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated February 27, 2009.
8. A letter from the Village of Piermont, signed by Christopher Sanders, Mayor, dated March 18, 2009.

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**Center Street Corp. Subdivision Plan - Final Subdivision Plan Approval
Subject to Conditions; Critical Environmental Area**

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9. Subdivision Plans prepared by Brooker Engineering, dated October 17, 2005, revised February 9, 2009:

- Drawing #1: Title Sheet
- Drawing #2: Final Subdivision Plan
- Drawing #3: Overview Plan
- Drawing #4A: Plot Plan: Lot 1
- Drawing #4B: Plot Plan: Lot 2
- Drawing #5: Sediment & Erosion Control Plan
- Drawing #6: Detail Sheet

10. A letter from Ken DeGennaro, P.E., Brooker Engineering, dated February 5, 2009.

11. Copies of ACABOR #08-54, Approved with Conditions, dated December 2, 2008, ZBA #08-95, Approved Variances for Front Yard and Building Height for Lot #1 and #2, dated November 11, 2008 and PB #06, Preliminary Approval Subject to Conditions and Neg. Dec., dated September 6, 2007.

The Board reviewed the plan.

Public Comment: Roland Foster, 780 Route 9W, Village of Piermont, raised concerns regarding the safety of falling rocks and wanted to know how the applicant was planning on preventing rock slides during construction. Mr. Foster also expressed concerns regarding the drainage impact of the proposed development of the site and he questioned the swale on the property and flooding of Route 9W. Mr. Foster asked if there was a maintenance schedule for the drainage swale.

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

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

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**Center Street Corp. Subdivision Plan - Final Subdivision Plan Approval,
Subject to Conditions; Critical Environmental Area**

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2. The following note shall be placed on the Subdivision Plan: 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 previous applicable Board Decisions: ACABOR #08-54, Approved with Conditions, dated December 2, 2008, ZBA #08-95, Approved Variances for Front Yard and Building Height for Lot #1 and #2, dated November 11, 2008 and PB #06, Preliminary Approval Subject to Conditions and Neg. Dec., dated September 6, 2007.
4. As per Mr. DeGennaro's letter of February 5, 2009, item #10, the approval from the Rockland County Department of Health of the wells and septic system for the subject project shall be obtained prior to having the Planning Board Clerk sign the Final subdivision plan.
5. A Maintenance Plan for the proposed drywells shall be supplied to DEME for review and approval, prior to signing of the map.
6. In the Planning Board's Drainage Consultant's previous review letter dated August 10, 2007, they noted that the Applicant had revised their proposed plan to subdivide a 2.577 acre parcel on the east side of Tweed Boulevard into two lots instead of three lots. A revised plan and calculations for the two lot subdivision had been submitted. Both lots will contain a new dwelling with driveway, septic system and drywells for drainage. Drainage calculations were provided indicating that 100% of the 100-year rainfall generated from the new impervious areas, estimated at 1,997SF for Lot 1 and 2,710SF for Lot 2, will be stored in two 8-ft diameter by 8-ft deep drywells (6.5-ft effective depth), each in a rectangular stone surround (gallery).

Based upon review of that submittal, the Planning Board's Drainage Consultant recommended acceptance for drainage subject to a number of conditions, the following of which have not been satisfied:

- The drywells and stone galleries are located behind walls that have been changed from segmental block walls to reinforced concrete walls. A detail of these walls showing the drywells and galleries has been added to the plans. The letter from the Applicants Engineer (Item 12), dated February 5, 2009, states that the select backfill between the drywell galleries and the wall will have a permeability of 0.01cm/sec. The Plan Sheets 4A, 4B and 6 show the permeability as 0.001cm/sec and must be revised to 0.01cm/sec.

PB #09-20 – TOWN OF ORANGETOWN PLANNING BOARD DECISION

**Center Street Corp. Subdivision Plan - Final Subdivision Plan Approval,
Subject to Conditions; Critical Environmental Area**

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Continuation of Condition #6...

- The previous plans and calculations indicated that each of the two 8-ft drywells on each lot would be placed in rectangular stone galleries, 14-ft by 16-ft for Lot 1 and 16-ft by 20-ft for Lot 2. The current plan indicates that all four of the stone galleries will be 11-ft by 16-ft, however revised calculations for sizing the drywell systems has not been provided. The Applicant must provide the revised calculations.
- The Drywell Detail on Sheet 6 does not show the 12-in equalization pipe between the two drywells. This pipe should be placed at the bottom of the drywells. The Drywell Detail must also be drawn to vertical scale. If risers are needed to bring the access opening up to grade they must also be shown (i.e. the inlet pipes appear to be 3.5-ft to 4.5-ft below grade). The Detail should label the Finish Grade, Top of Drywell, Inlet Invert, Overflow Invert, Equalization Invert and Bottom of Drywell elevations and should contain a note that states "See Plan view on Sheets 4A and 4B for elevations".

7. An updated review shall be completed by the Rockland County Department of Highways and all required permits obtained.

8. A review shall be completed by the New York State Department of Transportation and all required permits obtained.

9. 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 County Clerk will accept the plan for filing.

10. Due to the extreme slope of the site and the importance of maintaining vegetative cover to prevent erosion and to enhance the Hudson River view corridor, Conservation Easements shall be established on the portions of the lots that will remain undisturbed. The Conservation Easements shall be labeled on the plat and a note shall be placed on the plat indicating that all construction is to be kept clear of the boundaries of the Conservation Easement and no accessory structures are to be placed within them in the future. The same language shall be placed in each deed. Conservation Easements shall be clearly flagged prior to commencement of any construction or regarding.

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11. 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.

12. A review shall be completed by the Rockland County Department of Health with regard to any wells and septic tank systems that are proposed, and all required permits obtained.

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

14. Since the houses and other structures on the lot will be visible from the Hudson River, all structures shall be of earth tone colors and that multiple gables and other techniques be used to break up any long roof lines in order that the structures may better blend with the natural environment. A note shall be added to the plan addressing this issue.

15. A local inter-municipal organization, the Rockland Riverfront Communities Council, has developed a draft model ridgeline protection law. The Town of Orangetown is a member of this organization and the Town may wish to review the draft law and consider applying some of the measures to this subdivision since it is located in a visually sensitive area and on steeply sloped land. Some of the measures in the draft law address micro-siting of structures within sites with steep slopes and/or on prominent ridgelines; visual assessment studies that include cross-sectional drawings; height and design of retaining walls; screening and lighting; and exterior building materials, colors and textures that blend with the natural background.

16. The Rockland County Department of Highway provided the following comments:

Item #19 of Brooker Engineering letter of 2/5/09, sub item #5, Section F-f is suppose to be added on Drawing 4A & 4B and it is not shown.

Add a note to indicate the land owner will be responsible for the maintenance of the swale and label it as existing outfall down the hill to Route 9W right of way line near north end of the property for lot 2. The Rockland County Highway Department is not responsible for the maintenance of the above inside the Private Property.

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Continuation of Condition #16...

For Note 23 on Drawing 2, add a sentence to include that for temporary traffic control along Tweed Boulevard during construction, requirements of latest National MUTCD shall be followed.

Indicate on the Sections that the existing parapet wall at the entrances for both Lot 1 and Lot 2 have to be cut to fit the new driveway pavement.

The new concrete retaining wall running east-west along the south end of driveway for Lot 1 shall show top and bottom of wall information. Preferably it shall have a smooth curved drop for the wall ends near the edge of pavement to accommodate for the driveway entrance.

Label the exiting edge of pavement on the plot plans. Unify the masonry stone and parapet wall terminology on the plans and sections.

Proposed driveway is on fill material. A 6" base course shall be specified below the surface course. Firm sub-base course is to be placed below the base course accordingly.

17. The Rockland County Department of Health reviewed the plans revised February 9, 2009. Since soil testing for the subsurface disposal system has not been completed, a thorough review of the system cannot be done at this time. However, the following deficiencies in the plan are noted:

Drywells are to be located a minimum 25 feet from the proposed subsurface disposal area.

Subsurface disposal area is to be located a minimum 20 feet from the proposed dwelling. Waivers will not be granted for new construction.

Application must be made to the Bureau of Mosquito Control.

Further comments to be offered when a formal submission is offered to the office of the Rockland County Department of Health

18. 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 will not require a permit from the RCDA. However, the Rockland County Stream Control Act, Chapter 846, requires that all subdivision maps must be signed by the Chairman of the RCDA before the Rockland County Clerk will accept it for filing.

19. The Village of Piermont had the following comments in its letter of March 18, 2009:

The swale that runs downhill, though the northern lot 2 is not an insignificant drainage course as the term "swale" might suggest. This is a Special Flood Hazard Area streambed (floodway) listed on the Federal Insurance Rate Map, Village of Piermont, New York, Panel No 360687 0001 C, dated November 17, 1982, U.S. Department of Housing and Urban Development

Continuation of Condition #19....

The Village requested that the easement be expanded to 40 ft in width or, 20 feet from the centerline of this "Approximate Drainage Swale" and to restrict any construction in this Conservation Easement.

The Village Board objects to the adverse visual impact this subdivision will have when viewed from the Hudson River and the river village below.

The Village Board strongly objects to the construction of Stormwater detention basins and Septic systems on artificially constructed fill areas supported by retaining walls.

20. 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

21. 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.

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

23. 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).

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

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- 25.** 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 DEMA 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
- 26.** The Planning Board shall retain jurisdiction over lighting, landscaping, signs and refuse control.
- 27.** 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.
- 28.** 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 Bruce Bond and seconded by Andy Stewart and carried as follows: Bruce Bond, aye; Andy Stewart, aye; Kevin Garvey, aye; John Foody, aye; Jeffrey Golda, aye; Robert Dell, aye and William Young, 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 6, 2009
Town of Orangetown Planning Board**