

**TOWN OF ORANGETOWN PLANNING BOARD
MEETING OF APRIL 9, 2008**

MEMBERS PRESENT:

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

MEMBERS ABSENT: None

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

Robert Dell, Chairperson called the meeting to order at 7:30 P.M.

Mr. Garvey read the agenda. Hearings as listed on this meeting's agenda which are made a part of these minutes, were held as noted below:

Verizon/NYNEX Properties Company **PB #08-20**
Recommendation to the Town Board **Recommended to**
Termination of Declaration of Covenants, **Town Board**
Conditions And Restrictions of Parking Requirements (Orangeburg)
73.15/1/18 & 19 and 73.19/1/1; LIO zone

Continued from March 26, 2008 Meeting:
Orangeburg Racquet Club Site Plan **PB #08-14**
Prepreliminary/Preliminary Site Plan, **Preliminary Site Plan**
Conditional Use Permit and **Approval Subject**
SEQRA Review (Orangeburg) **to Conditions; Neg. Dec.**
77.05/1/1; LIO zone

Continued from April 25, 2007 Meeting:
Tappan Golf Range Site Plan **PB #06-48**
Prepreliminary/Preliminary Site Plan **Preliminary Site Plan**
and SEQRA Review (Tappan) **Approval Subject to**
74.19/1/1; LIO zone **Conditions; Neg. Dec.**

Continued from October 10, 2007 Meeting:
Palladino Minor Resubdivision Plan **PB #07-57**
Prepreliminary/Preliminary/Final **Continued: Review Site to**
Resubdivision Plan and SEQRA Review **provide Land in Exchange for**
(Blauvelt) **in Parkland Program (Money in Lieu)**
65.15/1/1; LO/R-40 zone

Other Business: Recommendation to the Town Board – Zone Change
Request for Properties in CO Zone to R-15; South Side of Oak Tree Road,
Tappan, 77.15/1/25,26,27,28,29,30.1,30.2,30.3 and part of 32.

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April 9, 2008 Planning Board Meeting

The decisions of the March 26, 2008 Planning Board Meeting was reviewed, edited and approved. The motion for adoption was made and moved by Kevin Garvey and seconded by Anthony Iurica and carried as follows: Robert Dell, aye; Kevin Garvey, aye; Bruce Bond, aye; Anthony Iurica, aye; Jeffrey Golda, aye; John Foody, aye and William Young, aye.

The Decisions of the above hearings, as attached hereto, although made by the Board before the conclusion of the meeting are not deemed accepted and adopted by the Board until adopted by a formal motion for adoption of such minutes by the Board. Following such approval and adoption by the Board, the Decisions are mailed to the applicant. The verbatim transactions are not transcribed, but are available.

Since there was no further business to come before the Board, a motion to adjourn the meeting was made by Anthony Iurica, seconded by Bruce Bond and agreed to by all in attendance. The meeting was adjourned at 11:00 P.M. The next Planning Board meeting is scheduled for April 23, 2008.

DATED: April 9, 2008
Planning Board Town of Orangetown

**TOWN OF ORANGETOWN
PLANNING BOARD DECISION**

Verizon/NYNEX Properties Company
Recommendation to the Town Board
Termination of Declaration of Covenants, Conditions
And Restrictions of Parking Requirements

**PB #08-20
April 9, 2008
Page 1 of 2**

TO: Anthony Montalbano
67 North Main Street
New City, New York, 10956

FROM: Orangetown Planning Board

RE: The application of **Verizon/NYNEX Properties Company**, applicant, for NYNEX Properties Company and Cellco Partnership, owner for Recommendation to the Town Board for Termination of Declaration of Covenants, Conditions and Restrictions of Parking Requirements at a site known as "**Verizon/NYNEX Properties Company Plan**", in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21A of the code of the Town of Orangetown. The site is located at 2000 Corporate Drive & 40 Corporate Drive, Orangeburg, Town of Orangetown, Rockland County, New York and as shown on the Orangetown Tax Map as Section 73.15, Block 1, Lots 18 & 19 and Section 73.19, Block 1, Lot 1 in the LIO zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **April 9, 2008**, at which time the Board made the following determinations:

Anthony Montalbano appeared and testified.

The Board received the following communications:

1. A Project Review Memo dated April 2, 2008.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated April 9, 2008.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering, (DEME) Town of Orangetown, signed by Bruce Peters, P.E., dated April 3, 2008.
4. A Narrative prepared by the applicant.
5. A copy of a letter to the applicant signed by Leonard Post, Deputy Building Inspector, Town of Orangetown, dated March 11, 2008.
6. A Declaration of Covenants, Conditions and Restriction dated July 14, 1989.
7. PB #89-100, dated May 31, 1989, Final Approval Subject to Conditions.
8. Declaration of Covenants, Conditions and Restrictions dated July 14, 1989.
9. Declaration of Covenants, Conditions and Restrictions dated March 13, 1992.
10. Certificate of Occupancy No. 28147 and No 34627.

The Board reviewed the plans

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

RECOMMENDATION: In view of the foregoing and the testimony before the Board, the application was RECOMMENDED TO THE TOWN BOARD to terminate the Declaration of Covenants, Conditions and Restrictions as parking requirements of said Declarations is satisfied.

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

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

Dated: April 9, 2008

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

**TOWN OF ORANGETOWN
PLANNING BOARD DECISION**

**Orangeburg Racquet Club Site Plan
Preliminary Plan Approval
Subject to Conditions/Neg. Dec**

**PB #08-14
April 9, 2008
Page 1 of 11**

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

FROM: Orangetown Planning Board

RE: The application of the Pyramid Construction Group, LLC, owner, for Prepreliminary/Preliminary Site Plan and Conditional Use Permit, for a site to be known as "**Orangeburg Racquet Club Site Plan**", in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21A of the code of the Town of Orangetown. The site is located at Ramland Road South, Orangeburg, Town of Orangetown, Rockland County, New York and as shown on the Orangetown Tax Map as Section 77.05, Block 1, Lot 1 in the LIO zoning district.

Heard by the Planning Board of the Town of Orangetown at meetings held **March 26 and April 9, 2008**, at which time the Board made the following determinations:

March 26, 2008

Donald Brenner and Barry Poskanzer appeared and testified.

The Board received the following communications:

1. Project Review Memorandums dated March 18 and March 5, 2008.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated March 26, 2008.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering, (DEME) Town of Orangetown, signed by Bruce Peters, P.E., dated March 6, 2008.
4. Letters from HDR/LMS, signed by Harvey Goldberg, P.E., dated March 26 and February 28, 2008.
5. A letter from the Rockland County Department of Planning, signed by Eileen Miller, dated February 14, 2008.

6. A letter from Rockland County Department of Highways, signed by Sonny Lin, P.E., dated February 29, 2008.
7. A letter from Rockland County Drainage Agency, signed by Edward Devine, Executive Director, dated February 26, 2008.
8. A letter from Rockland County Sewer District #1, signed by Joseph LaFiandra, Engineer II, dated March 19, 2008.
9. Letters from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated February 20, 2008.
10. A letter from the Town of Orangetown Zoning Board of Appeals, signed by Patricia Castelli, dated March 5, 2008.
11. A letter signed by Michael Bettmann, Chief, Bureau of Fire Prevention, Town of Orangetown, dated February 27, 2008.
12. A Short Environmental Assessment Form signed by Bradley Coman, Pyramid Construction Group, LLC, dated February 5, 2008.
13. Site Plans prepared by Thor Engineers, P.A., dated January 16, 2008:
 - SP-1: Cover Sheet
 - SP-2: Site Plan
 - SP-3: Landscaping Plan
 - SP-4: Construction Details
 - SP-5: Construction Details
 - SP-6: Construction Details
 - SP-7: Soil Erosion & Sediment Control Plan

The Board reviewed the plans.

Public Comments:

Lester Cohn: 167 Cowpens Drive, Orangeburg, discussed the prior approvals of the site, noting that the original approval was for a one story structure, while this request is for a two story building. He requested that the applicant provide a buffer zone along the property boundary. Mr. Cohn also raised issues of lights shining on the residents in the area.

Kimberly Crispini, 19 Redcoat Lane, raised concerns regarding the need for a vegetative buffer along the perimeter of the site. She requested information regarding the impact of the wetlands areas due to development of the site.

The applicant requested a **CONTINUATION** of the application in order to fulfill the requests of the Board.

April 9, 2008

Donald Brenner and Barry Poskanzer appeared and testified.

The Board received the following communications:

1. Project Review Memorandum dated April 2, 2008.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated April 9, 2008.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering, (DEME) Town of Orangetown, signed by Bruce Peters, P.E., dated April 3, 2008.
4. A letter signed by Lester Cohen, 167 Cowpens Drive, Orangeburg, New York, dated April 4, 2008.
5. A letter signed by Linda Salzhauer, 165 Cowpens Drive, Orangeburg, New York, dated April 7, 2008.
6. Site Plans prepared by Thor Engineers, P.A., dated January 16, 2008, unless noted:
 - SP-1: Cover Sheet, revised April 2, 2008
 - SP-2: Site Plan, revised April 2, 2008
 - SP-3: Lighting & Landscaping Plan, revised April 2, 2008
 - SP-4: Construction Details
 - SP-5: Construction Details, revised April 2, 2008
 - SP-6: Construction Details, revised April 2, 2008
 - SP-7: Detention Basin X-Sections, dated March 17, 2008, revised April 2, 2008
 - SP-8: Soil Erosion & Sediment Control Plan, revised April 2, 2008
 - SP-9: Storm Line Profiles, dated March 17, 2007, revised April 2, 2008
7. Drainage Study prepared by Peter Jon Wilner, P.E., dated March 13, 2008, revised April 3, 2008.

Public Comments:

Dominic Crispini, 19 Redcoat Lane, wanted to know what a "280A" Variance was. His main concerns were the need for a vegetative buffer, the proposed height of the structure and to maintain the privacy of his property. Mr. Crispini submitted photographs of another tennis club owned by the same owner in Clarkstown, pointing out its physical condition and mechanical items outside the physical structure of the building. He raised issues of the development impact on the surrounding property and the area wetlands.

Scott Hansen, 138 Cowpens Drive, raised concerns regarding the proposed height of the structure. He noted that there were wetland issues on the site.

Judy Clements, 162 Cowpens Drive, stated that a similar development occurred behind her property a few years ago and that low intensity lights were installed. Because of that, people congregated and security problems occurred. This problem could occur at this site, too. She also discussed light glare from fire access roadways.

Madeline Sokloff, Valley Forge Road, expressed concerns regarding the impact of light glaring onto her property from the proposed development.

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

The proposed action is classified as an "unlisted action" as defined by Section 617.2 (ak) of the New York State Environmental Quality Review Regulations (SEQRR). No agency, other than the Orangetown Planning Board will have any significant involvement in the review process, pursuant to Section 617.6 of SEQRA. On motion by Anthony Iurica and seconded by Kevin Garvey and carried as follows: Bruce Bond, aye; Anthony Iurica, aye; William Young, aye; Robert Dell, aye; John Foody, aye; Jeffrey Golda, aye and Kevin Garvey, aye the Board declared itself Lead Agency.

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

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

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

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

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

1. The following note shall be placed on the Site Plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a meeting."
2. The following note shall be placed on the Site Plan regarding Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.
3. The applicant shall supply proof of standards for Tennis Courts showing proof of the necessity for 40 foot height, otherwise, roof shall be lowered to as indicated at hearing for final approval.
4. The applicant shall provide proof that they have an easement necessary to transverse Ramland Road South. Proof shall be acceptable to the Town of Orangetown Town Attorney's Office.
5. The applicant has now indicated on the Site Plan that 15 parking spaces are required by Town Code and 96 parking spaces are provided. The Board requests that the southern most 28 parking spaces be Land Banked and the remaining parking shall be paved. This shall be noted on the Site Plan.
6. The following Zoning Variances need to be sought from the Town of Orangetown Zoning Board of Appeals:

Variance	Required/Allowed	Proposed
280-A Variance		
Maximum Building Height	25 feet	30.00 feet
Minimum Front Yard Setback	100 feet	24.96 feet
Minimum Side Yard Setback	100 feet	60.48 feet
Total Side Yard	200 feet	166.39 feet

A Minimum Buffer of 100 feet (in addition to the 100 feet yard requirement) is required and zero feet is provided.

7. The total square footage of the proposed building shall be labeled on the Site Plan.

- 8.** The lighting and landscaping plan shall be reviewed by the Town of Orangetown Architecture and Community Appearance Board of Review.
- 9.** The roof drain discharge points shall be shown on the Site Plan.
- 10.** No parking is permitted in any required yard, unless permitted by any Board having jurisdiction. (LO District, Table of General Use Regulations, Column 7, item #3).
- 11.** The 100 year floodplain for the existing brook shall be shown on the Site Plan.
- 12.** Item #8 of the Short Environmental Assessment Form needs to be answered "No" and the Zoning Board of Appeals variances shall be listed. Also, item #9 shall have the "residential" box checked.
- 13.** The revised drainage calculations are currently under review by DEME.
- 14.** A post construction stormwater maintenance agreement (in accordance with NYSDEC Phase II regulations) for the proposed stormwater systems shall be submitted to DEME and the Town of Orangetown Town Attorney's Office for review and approval in substance and form. Said agreement shall include a maintenance and management schedule, inspection check list, contact person with telephone number, yearly report to be submitted to DEME, etc.
- 15.** The proposed sanitary building connection shall be a 6 inch line from the manhole to the first cleanout.
- 16.** The Drainage Consultant to the Planning Board recommends acceptance for drainage subject to the following conditions:
 - Profiles for the proposed storm sewers are shown on Drawing SP-9. The invert for MH-1 is not shown correctly on the profile MH-1 to CB-2.
 - Although the Drainage Consultant found the calculation methodology to be acceptable, the consultant found discrepancies in the calculations themselves that undersize the detention basins. The CN value used for impervious roof and pavement areas in the calculations is 72 and 92. The correct value to be used in the calculations is 98. Additionally, the CN values used for landscaped areas must be changed from "good" condition to "fair" condition (i.e. use 69 instead of 61 for type B soils, and use 79 instead of 74 for type C soils).
 - The water quality volume (WQv) calculation is incorrect. The calculation must use the actual percent impervious area in the calculation, not the minimum value of 0.2.
 - A cross-sectional detail of the proposed swales has been added to Drawing SP-5. Calculations for sizing the swales for a 100-yr design storm must be provided.

Continuation of Condition #16....

- The southerly swale terminates at CB-1, but the plan is unclear where the northerly swale terminates. The drainage area map indicates that the northerly swale flows into the North Basin. A new catch basin and pipe will have to be added to capture and convey this flow to the North Basin. Final grade elevations in this vicinity must also be provided.
- Cross-sections of the proposed detention basins are shown on Drawing SP-7. The maximum water levels should be shown on these sections along with the top of wall elevations and the top of headwall elevation. The section for the North Basin must show the top elevation and orifice information for the Outlet Control Structure.
- A construction detail of the proposed retaining wall for the Detention Basin is shown on Drawing SP-7. The top of the wall is 4.5-ft above the bottom of the detention basin. The top of wall elevation must be shown on the detail and on the plans.
- The proposed headwall detail must include all dimensions and elevations that will permit construction. The detail must show the adjacent retaining walls and finished grade to scale. The two pipe penetrations may have to be shifted away from the walls. The distance from the centerline of the pipes to the end of the wall must be shown.
- The details of the proposed catch basins and drainage manholes have been revised from concrete block to precast concrete, however, the Planning Board's Drainage Consultant found them to be unacceptable. The details should be similar to the standard structures produced by local precast manufacturers (e.g. standard 30-in by 48-in catch basin with integral base, standard 48-in manhole). The catch basins must have a full width 24-in deep sump.
- Catch basin CB-3 should be renamed "Outlet Control Structure" and must have its own detail. This structure does not require a 24-in deep sump. The structure detail must be drawn to scale and must include a plan view and two cross sections, as well as all dimensions and elevations to permit construction.

Continuation of Condition #16....

- The Applicant must provide and obtain approval of a Mosquito Breeding Prevention Plan from the Rockland County Department of Health.
- Show the location of the roof drains on the plans. If they enter the detention basins, a typical detail of the pipe penetrations through the gabion walls must be provided. If the roof drains are connected to the storm sewers they should enter at a catch basin or manhole and the calculations for sizing the storm sewer pipes must be revised accordingly.
- Show the extent of the area where the grass pavers are to be used on the plans.

Additional conditions may be added based on response to these conditions.

17. The comments of the Rockland County Department of Highway are as follows:

The Site Plan shall indicate the existing and proposed curb cut and access street that the development will tie into.

A traffic study shall be prepared to determine what impact if any the proposed addition may have upon the county and intersections. The study shall include a discussion regarding hours of operation as well as the types of vehicles that will be utilizing the site.

The applicant shall offer comment explaining why the bulk table shows that no parking spaces are required for the proposed development.

For the three attached Site Plan and Perspective drawings by Poskanzer Skott, Architect, shall use different drawing numbers to differentiate them from other engineering drawings. The embossed P.E. stamp shall be from New York State rather than New Jersey unless it is labeled for illustration or reference only.

18. The Rockland County Department of Health (RCDOH) requests that application be made for review of the stormwater management system for compliance with the County Mosquito Code. The applicant shall contact Brian Hunderfund at RDCOH. No other Rockland County Department of Health approvals are needed for this application.

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

Install an NFPA 13 compliant sprinkler system, inspected annually according to NFPA

Install and maintain an NFPA 72 compliant alarm system with 2 dedicated phone lines with a direct connection with Rockland County 44- Control that will transmit in Contact ID Format.

Install amber and red exterior strobes as required by the Orangetown Code

Install and maintain portable fire extinguishers as required by NFPA 10.

Provide a 20 foot wide fire access road around 100% of the building with the access road out of the collapse zone. This shall be noted and labeled on the Site Plan.

Show all No Parking/Fire Zones on Final Approved Site Plan, with locations of all signs and striping and maintain signs and striping.

Apply for and maintain Certificate of Compliance Fire Safety with the Bureau of Fire Prevention.

Provide Key Box.

Provide square footage for occupancy calculation

20. Based upon Rockland County Drainage Agency (RCDA) evaluation of available mapping and 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 the Rockland County Stream Control Act, Chapter 846, is not required based upon its review of the information provided. However, the site appears to be located in close proximity to mapped federal wetlands. The RCDA suggests that the U.S. Army Corps of Engineers be contacted by the lead agency and requested to make a jurisdictional determination regarding the proposed activity.

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

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

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

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

25. TREE PROTECTION: The following note shall be placed on the site plan: The Tree Protection and Preservation Guidelines adopted

pursuant to Section 21-24 of the Land Development Regulations of the Town of Orangetown will be implemented in order to protect and preserve both individual specimen trees and buffer area with many trees. Steps that will be taken to reserve and protect existing trees to remain are as follows:

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

One (1) foot radius from trunk per inch DBH

Drip line of the Tree Canopy. The method chosen should be based on providing the maximum protection zone possible. A barrier of snow fence or equal is to be placed and maintained one yard beyond the established tree protection zone. If it is agreed that the tree protection zone of a selected tree must be violated, one of the following methods must be employed to mitigate the impact: (1) 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. (2) Light Impacts Only – Installation of ¾ inch of plywood or boards, or equal over the area to be protected.

Continuation of Condition #25.....

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 site plans shall be maintained in a vigorous growing condition throughout the duration of the use of this site. Any plants not so maintained shall be replaced with new plants at the beginning of the next immediately following growing season.

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.

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

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

Dated: April 9, 2008

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

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

**Orangeburg Racquet Club Site Plan
Preliminary Plan Approval
Subject to Conditions/Neg. Dec**

**PB #08-14
April 9, 2008
Page 11 of 11**

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: **Orangeburg Racquet Club Site Plan**

SEQR STATUS: Type I _____
Unlisted XXXXXX

CONDITIONED NEGATIVE DECLARATION: Yes _____
No XXXXXX

DESCRIPTION OF ACTION: **Site Plan Review**

LOCATION: The site is located at Ramland Road South, Orangeburg, Town of Orangetown, Rockland County, New York and as shown on the Orangetown Tax Map as Section 77.05, Block 1, Lot 1 in the LIO zoning district.

REASONS SUPPORTING THIS DETERMINATION:

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

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

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

For Further Information contact:

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

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

**TOWN OF ORANGETOWN
PLANNING BOARD DECISION**

**Tappan Golf Range Site Plan
(Closter Golf Inc., II)
Preliminary Site Plan Approval
Subject to Conditions**

**PB #06-48
April 9, 2008
Page 1 of 14**

TO: Donald Brenner, P.E., LL.B.
4 Independence Ave.
Tappan, NY 10983

FROM: Orangetown Planning Board

RE: The application of Closter Golf Inc., II, owners for Prepreliminary/Preliminary Site Plan review for the construction of additional golf stalls, seating and waiting area, maintenance building, batting cages, go kart track and ancillary items, including parking and driveway pavements on 24.82 acre parcel, known as "**Tappan Golf Range Site Plan**", in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21A of the code of the Town of Orangetown. The site is located at 1118 Route 303, Tappan, Town of Orangetown, Rockland County, New York and as shown on the Orangetown Tax Map as Section 74.19, Block 1, Lot 1 in the LI zoning district.

Heard by the Planning Board of the Town of Orangetown at meetings held Wednesday, **June 14 and December 13, 2006, April 25, 2007 and April 9, 2008**, at which time the Board made the following determinations.

June 14, 2006

Donald Brenner appeared and testified.

The Board received the following communications:

1. A Project Review Report dated June 7, 2006, attached are PB #05-132, dated 11/9/05 and PB #96-06, dated 1/24/96.
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 June 14, 2006.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E. dated June 9, 2006.
4. A letter from Lawler Matusky & Skelly, signed by Harvey Goldberg, P.E., dated June 12, 2006.
5. A letter from the Rockland County Department of Planning, signed by Salvatore Corallo, Acting Commissioner, dated June 1, 2006.
6. A letter from Rockland County Highway Department, signed by Joseph Arena, Senior Engineering Technician, dated June 5, 2006.

7. A letter from the Office of Parks & Recreation, Town of Orangetown, signed by Richard Rose, Superintendent, dated May 1, 2006.
8. A letter from the New York State Department of Transportation, signed by Mary Jo Russo, dated May 9, 2006.
9. A letter from the Palisades Interstate Park Commission, signed by Kevin Grieser , Real Property Manager, dated June 5, 2006.
10. A Short Environmental Assessment Form signed by John Kim, dated October 4, 2005.
11. Site Plans prepared by William Youngblood Land Surveying, dated March 15, 2006.
12. Hydraulic Analysis and Stormwater Design Calculations with maps, prepared by Gdanski Consultants, Inc., dated March 6, 2006

The Board reviewed the plans.

The applicant requested a **CONTINUATION** in order to fulfill the requests of the Board.

December 13, 2006

Donald Brenner and William Youngblood appeared and testified.

The Board received the following communications:

1. A Project Review Report dated December 6, 2006.
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 December 13, 2006.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E. dated December 7, 2006.
4. A letter from Lawler Matusky & Skelly, signed by Harvey Goldberg, P.E., dated November 21, 2006.
5. A letter from the Rockland County Department of Planning, signed by Salvatore Corallo, Acting Commissioner, dated November 21, 2006.
6. A letter from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated October 23, 2006.
7. Letters from the Palisades Interstate Park Commission, signed by Kevin Grieser, Real Property Manager, dated August 17 and December 5, 2006.
8. A letter from the New York State Department of Transportation, signed by Mary Jo Russo, dated December 4, 2006.

9. Interdepartmental memorandums from Michael Bettmann, Chief, Office of Fire Prevention, Town of Orangetown, dated October 19 and December 12, 2006, with an attachment of PB #91-113, dated December 11, 1991.
10. Site Plans prepared by William Youngblood Land Surveying, dated March 15, 2006, revised August 4, 2006.
11. Drainage Calculations dated August 17, 2006.

The Board reviewed the plans.

Public Comment: Somnath Kondura, Gregg Court, Orangeburg, raised concerns regarding lights shining into his house from the golf course. He requested that the applicant decrease the lighting from the site. Mr. Kondura stated that his quality of life was diminished due to the applicant's cutting of trees on the site and the lights shining onto his property.

The applicant requested a **CONTINUATION** in order to fulfill the requests of the Board.

April 25, 2007

Donald Brenner, William Youngblood and John Kim appeared and testified.

The Board received the following communications:

1. A Project Review Report dated April 18, 2007.
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 25, 2007.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E. dated April 19, 2007.
4. A letter from Lawler Matusky & Skelly, signed by Harvey Goldberg, P.E., dated April 15, 2007.
5. A letter from the Rockland County Department of Planning, signed by Salvatore Corallo, Acting Commissioner, dated April 20, 2007.
6. A letter from the Palisades Interstate Park Commission, signed by Kevin Grieser, Real Property Manager, dated January 19, 2007.

7. Hydraulic Analysis and Stormwater Design Calculations prepared by Gdanski Consultants, Inc., dated March 6, 2006, last revised February 16, 2007
8. Traffic Consultant's Report prepared by John Collins Engineers, P.C., dated March 2, 2007.
9. Site Plans prepared by William Youngblood Land Surveying, dated March 15, 2006, revised January 4, 2006.

The Board reviewed the plans and recommended that the applicant proceed to the Town of Orangetown Architecture and Community Appearance Board of Review for review of the Lighting and Planting Plan. The motion was made by Kevin Garvey and seconded by John Foody and carried as follows: Bruce Bond, aye, Anthony Iurica, aye, Jeffrey Golda, aye, John Foody, aye, Robert Dell, absent, William Young, aye, and Kevin Garvey, aye.

The applicant requested a **CONTINUATION** in order to fulfill the requests of the Board.

April 9, 2008

Donald Brenner, William Youngblood, Drake Stinson, Norm Dotti and John Kim appeared and testified.

The Board received the following communications:

1. A Project Review Report dated April 2, 2008.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated April 9, 2008.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E. dated April 3, 2008.
4. A letter from HDR, signed by Harvey Goldberg, P.E., dated March 24, 2008.
5. A letter from the Rockland County Department of Planning, signed by Salvatore Corallo, Acting Commissioner, dated April 7, 2008.
6. Letters from Rockland County Highway Department, signed by Alfonsa Custodia, Jr., Senior Engineering Technician, dated April 13, 2007 and Joseph Arena, Principal Engineering Technician, dated March 27, 2008.
7. A letter from the Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated March 3, 2008.

8. A letter from the County of Rockland Sewer District #1, signed by Joseph LaFiandra, Engineer II, dated March 12, 2008.
 9. A letter from the Palisades Interstate Park Commission, signed by Karl Roecher, Junior Landscape Architect, dated March 14, 2008.
 10. A letter from the New York State Department of Environmental Conservation, signed by Ellen Hart, Division of Environmental Permits, dated May 29, 2007.
 11. Copy of the Short Environmental Assessment Form signed by John Kim, dated October 4, 2005.
 12. A letter signed by Somnath Konduru, dated April 8, 2008.
 13. Hydraulic Analysis and Stormwater Design Calculations, prepared by Paul Gdanski, P.E., dated March 6, 2006, last revised February 16, 2006.
 14. Site Plans prepared by William Youngblood Land Surveying, dated June 29, 2005, revised February 12, 2008, unless noted.
- Drawing 1 of 24: Revised Site Plan
Drawing 2 of 24: Grading & Utility Plan
Drawing 3 of 24: Grading & Utility Plan Detail Area B
Drawing 4 of 24: Landscape Plan
Drawing 5 of 24: Existing Tree Plan
Drawing 6 of 24: Track Details & General Notes
Drawing 7 of 24: Track Trail & Tire Installation
Drawing 8 of 24: Track Island Details, revised August 12, 2008
Drawing 9 of 24: Track Gate Detail
Drawing 10 of 24: Track Electrical
Drawing 11 of 24: Existing Drainage Conditions
Drawing 12 of 24: Proposed Drainage Conditions
Drawing 13 of 24: Detail Plan
Drawing 14 of 24: Detail Plan
Drawing 15 of 24: Detail Plan
Drawing 16 of 24: Detail Plan
Drawing 17 of 24: Profile Plan
Drawing 18 of 24: Profile Plan, dated June 29, 2005.
Drawing 19 of 24: Detail Plan, dated June 29, 2005.
Drawing 20 of 24: Detail Plan, dated June 29, 2005.
Drawing 21 of 24: Detail Plan, dated June 29, 2005.
Drawing 22 of 24: Detail Plan, dated June 29, 2005.
Drawing 23 of 24: Detail Plan, dated June 29, 2005.
Drawing 24 of 24: Detail Plan, dated June 29, 2005.

15. Lighting Plans prepared by Bertin Engineering Associates, Inc., dated February 14, 2008:

Drawing C1.0: Existing Lighting Location Plan

Drawing C1.1: Existing Conditions Lighting Analysis Overall Site Plan

Drawing C1.2: Existing Conditions Lighting Analysis Enlarged Site Plan/Point by Point

Drawing C2.0: Proposed Lighting Location Plan

Drawing C2.1: Proposed Conditions Lighting Analysis Overall Site Plan

Drawing C2.2: Proposed Conditions Lighting Analysis Enlarged Site Plan/Point by Point

16. A Site Lighting Analysis Report prepared by Bertin Engineering Associates, Inc. dated February 14, 2008.

17. A report entitled Go-Kart Track Sound Levels in the Surrounding Community prepared by Russell Acoustics, LLC, signed by Norman Dotti, P.E. P.P., Principal, dated February 6, 2008,

Public Comment:

Fran Oldenberger, 314 Greenbush Road, Blauvelt, requested information regarding the condition of the go-kart track used to test the vehicles; was it a gravel or paved surface, was it an open or treed area and if the air quality has been reviewed since these types of vehicles create air pollution. Also, she wanted to know if the lights to be installed were so bright as to create spots in front of your eyes.

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; Anthony Iurica, aye; Jeffrey Golda, aye; John Foody, aye; Robert Dell, aye; William Young, aye and Kevin Garvey, aye.

The proposed action is classified as an "unlisted action" as defined by Section 617.2 (ak) of the New York State Environmental Quality Review Regulations (SEQRR). No agency, other than the Orangetown Planning Board will have any significant involvement in the review process, pursuant to Section 617.6 of SEQRA. On motion by Bruce Bond and seconded by Kevin Garvey and carried as follows: Bruce Bond, aye; Anthony Iurica, aye; William Young, aye; Robert Dell, aye; John Foody, aye; Jeffrey Golda, aye and Kevin Garvey, aye the Board declared itself Lead Agency.

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

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

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

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

1. The Planning Board established the hours of operation of the Go-Kart Track as follows: Sunday through Thursday: 8:00 a.m. – 9:00 p.m.

Friday and Saturday: 8:00 a.m. – 10:00 p.m.

The hours of operation as indicated above shall be placed on the Site Plan as a note.

2. No more than Six (6) Go-Karts shall be running at a time.

3. A professional sound engineer shall provide the location of the sound barrier to be placed on the site and to be noted on the Site Plan. The location of the sound barrier shall be presented on the Final Site Plan for the Planning Board to review.

4. The "Go-Kart Track Sound Levels in the Surrounding Community" report dated February 6, 2008 and prepared by Norman R. Dotti, P.E., P.P. was reviewed and the comments are as follows:

The test utilized two go-karts. Where not six go-karts tested?

What sound model was utilized for this study?

The report shall bear the stamp or seal of the Professional Engineer.

The engineer shall recommend noise attenuation practices that the applicant should install.

5. The "Site Lighting Analysis" dated February 14, 2008 and prepared by Calisto J. Bertin, P.E. was reviewed and comments are as follows:

The engineers shall discuss "glare" associated with the type of lighting being proposed. The report seems to address "spillage" only

The proposed "spotlights" at the go-kart track shall have some type of shield or cover.

The applicant shall provide a light confirmation report after the lights are installed and operating fully and prior to the issuance of a Certificate of Occupancy, to assure the light levels, spillage, etc. meet the approved conditions. This report shall be prepared by a Professional Engineer and submitted to the Town of Orangetown Building Department.

6. The Traffic Report has been reviewed. In appendix "C" it states the "Two Way Stop Control Summary" for "Saturday Peak Hour" was performed on March 1, 2007 which was a Thursday. Please clarify.
7. The Short Environmental Assessment Form, item #8 indicates variances from the Town of Orangetown Zoning Board of Appeals are required, however, none are described. Please clarify.
- 8. 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).**
9. The hours of operation of each use at the site shall be disclosed and noted on the Site Plan.
10. The wetlands delineation shall be verified by a Jurisdictional Determination Letter from the U.S. Army Corps of Engineers. The New York State Department of Environmental Conservation submitted its response concerning the wetlands.
11. The owner of the existing easements shall be noted on the Site Plan.
12. A profile for the proposed new sanitary building connection shall be supplied with the drawings. Also the proposed diameter of the new sewer connection shall be given on the Site Plan.
13. The revised stormwater pollution prevention plan is currently under review by DEME. However, a maintenance agreement (in accordance with NYSDEC Phase II regulations) for the proposed stormwater systems shall be submitted to DEME and the Town of Orangetown Town Attorney's Office for review and approval in substance and form. Said agreement shall include a maintenance and management schedule, inspection check lists, contact person with telephone number, yearly report to be submitted to DEME, etc.
14. Because the Perc 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 filed Perc Test to DEME and the Building Department.
15. Sanitary calculations for the proposed site, prepared and sealed by a New York State Licensed Professional Engineers, shall be submitted to DEME for review and approval.
16. The metes and bounds for all existing easements shall be labeled on the Site Plan.
17. The Soil Erosion and Sediment Control Plans and Details are under review by DEME. However, the proposed silt fencing shall be relocated to run along the contours, not across them.
18. Copies of all correspondence, including any and all approvals with the New York State Department of Environmental Conservation, U.S. Army Corps of Engineers, the Rockland County Drainage Agency, etc., in connection with this proposed Site Plan shall be supplied to the Planning Board and DEME prior to signing the map.

19. The Drainage Consultant to the Planning Board recommends acceptance for drainage subject to the following conditions:

1. The existing and proposed drainage maps referred to in the calculations that show the design point locations and drainage area delineations have not been provided. These maps must be provided and must be consistent with the calculations.
2. Calculations and profiles for the proposed storm sewers have been provided with the exception of CB-7 to CB-8, which must be added. Hydraulic grade line elevations must be added to the storm sewer profiles showing the maximum water levels at each structure for a 100-yr storm with the 60-in storage pipes full.
3. Provide a cross-sectional detail that shows how the water quality drywells will be interconnected and how they will be connected to the sump and storage pipes (the detail should be added to Sheet 14 if possible). Indicate the 100-yr water elevation at each structure.
4. Details of the outlet control structure and inlet structure are shown on Sheet 15, however the details must clearly show all dimensions, materials, elevations, pipe inverts and other construction details to scale. Provide a cross-sectional view of the orifice and weir wall in the Outlet Control Structure.
5. The proposed parking area on Sheet 2 does not show grading or drainage information (i.e. where does the runoff go?). The plan and calculations must be revised to show how the parking area will be graded and how the increased runoff will be handled.
6. The Drainage Consultant recommendation for acceptance of drainage was based on 1,800-LF of 60-in storage pipe configured in six rows 300-LF long. The current plan shows six rows of 60-in pipe but only 225-LF in length. The Applicant shall revise the plans as previously approved or provide a detailed justification for this change.

20. Commercial recreation establishments, such as bowling alleys, dance halls, billiard parlors, driving ranges and miniature golf courses are permitted uses by right in the LI zone. Go-kart tracks and batting cages are not specifically listed as permitted uses, however are allowed in the LI zone.

- 21.** The revised site plan shall comply with the provisions of the Route 303 Overlay Zone.
- 22.** The landscape plan shall be revised to clearly identify the plants and their planned locations within the required 25 foot wide vegetated buffer adjacent to the Route 303 right of way. As indicated in the Route 303 Overlay Zone regulations, the buffer is to contain native or planted vegetation a minimum of six feet high.
- 23.** The lighting plan shall be revised to demonstrate that there will be no light spillage into the right of way of the Palisades Interstate Parkway.
- 24.** Section 2.2 of the Site Lighting Analysis indicates that when evaluating light levels at the existing golf driving range, measurements were taken when the seasonal lighting for the driving tees and the parking lot at the northwest corner of the site were not on. Why was it not requested that these light be turned on the study event.
- 25.** The concerns expressed in the March 14, 2008 letter from the Palisades Interstate Park Commission shall be addressed and the required plan revisions made.
- 26.** The bridge planned to be part of the go-kart path will be approximately 5.5 feet above grade. In addition, to assess visual impacts, a drawing shall be provided that illustrates the relative grades of the go-kart features, such as the bridge, in relation to grades of the nearby PIP road surfaces.
- 27.** If the Town's existing law's and administrative procedures related to noise could be used to develop specifications for the go-kart use and for monitoring of its impacts, this shall be considered. Compliance with the Town's noise related performance standards shall be required, as applicable, and in this case, also made applicable to noise entering the Palisades Interstate Parkway right of way.
- 28.** The wetlands identified with the Conservation Easement are classified as federal wetlands. Copies of correspondence regarding any needed review or permitting by the U.S. Army Corps of Engineers shall be provided.
- 29.** Any permits required from the New York State Department of Transportation shall be obtained.
- 30.** The Board shall review the plan for consistency with the design concepts of the Palisades Interstate Parkway Corridor Management Plan
- 31.** An updated signage plan shall be provided that complies with all Town of Orangetown requirements.
- 32.** There shall be no net increase in stormwater runoff from the site.
- 33.** The fire zones must be clearly marked on the Site Plan. Access to the fire zones shall be unimpeded by other parking areas and maneuverability on the site feasible.

- 34.** The fire department connections shall be designated on the Site Plan and kept clear for easy access by the emergency response vehicles.
- 35.** Information shall be provided regarding how the May 29, 2007 letter from the New York State Department of Environmental Conservation to Salvatore Corallo, Commissioner, Rockland County Department of Planning, was addressed with regard to a cultural resources assessment. The reasons noted in the letter for preparation of such an assessment were that the statewide inventory of archaeological resources indicates that the project is located within an area considered to be sensitive with regard to archaeological resources and that the Palisades Interstate Parkway is listed on the National and State Registers of Historic Places.
- 36.** Soil Erosion and Sediment Soil Erosion and Sediment Control Plans and details shall be submitted to the Town of Orangetown Department of Environmental Management and Engineering for review and approval. The Soil Erosion and Sediment Control Plan shall meet the NYS Guidelines for Urban Erosion and Sediment Control.
- 37.** 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).
- 38.** The Rockland County Department of Highway reviewed the Site Plan and information and found that the proposed action would have no foreseeable adverse effect upon county roads in the area.
- 39.** The Rockland County Department of Health (RCDOH) reviewed the revised plans dated February 12, 2008 and provided the following comment: Application is to be made to the RCDOH for review of the stormwater management system for compliance with the County Mosquito Code. Applicant's engineer shall contact Brian Hunderfurd at RCDOH. No other Rockland County Health Department approvals are needed for this application.
- 40.** The Rockland County Sewer District #1 does not object to the plan as shown. This project does not affect any sanitary sewers within the District and request no future correspondence for this site.
- 41.** The Palisades Interstate Park Commission (PIPC) staff has reviewed the Tappan Golf Plans, last revised February 12, 2008 and provided the following comments:
Plantings within the 50 foot Conservation Easement, on Sheet 4 of 24 do not present the staggered pattern as requested in comments faxed by Kevin Grieser on December 5, 2006. The PIPC enclosed highlighted areas of concern. If the planting plan is not revised it would request that Note #1 be revised to include the following, "Final placement of plant material within the Conservation Easement, shall be laid out in a naturalistic informal layout and approved by a licensed Landscape Architect prior to installation".

Continuation of Condition #41....

Existing wood chips shall be removed from the 50 foot conservation easement, prior to installation of plantings. Otherwise, the success of the desired screening elements shall remain severely compromised.

A maintenance agreement shall be provided for plant material within the 50 foot Conservation Easement.

Note #3 on Sheet 4 of 24, shall include the following statement "Staking shall be removed after one year".

42. The applicant shall address the concern that a 30 foot net may not provide adequate safety to the batting cage and go kart facility from errant golf balls.

43. The New York State Department of Transportation has reviewed the Site Plans. The proposed work should not have a major impact on the State Right of Way. If changes occur involving the Right of Way including grading, landscaping, drainage or paving, the plans must be submitted to NYSDOT for review and approval.

44. 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.

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

46. 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

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

48. The following note shall be placed on the site plan:

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.

e. 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.

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

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

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

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

Dated: April 9, 2008

Planning Board
Env. Mgt. Eng.
PRC

OBZPAE RC Planning
LMS
Supervisor

RC Drainage
own Board

RC Highway
Assessor Town Attorney

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

**Tappan Golf Range Site Plan
(Closter Golf Inc., II)
Preliminary Site Plan Approval
Subject to Conditions**

**PB #06-48
April 9, 2008
Page 14 of 14**

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: **Tappan Golf Range Site Plan**

SEQR STATUS: Type I _____

Unlisted XXXXXX

CONDITIONED NEGATIVE DECLARATION: Yes _____

No XXXXXX

DESCRIPTION OF ACTION: Site Plan Review

LOCATION: The site is located at 1118 Route 303, Tappan, Town of Orangetown, Rockland County, New York and as shown on the Orangetown Tax Map as Section 74.19, Block 1, Lot 1 in the LI 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

