

Meeting of December 14, 2011
TOWN OF ORANGETOWN PLANNING BOARD

MEMBERS PRESENT: Kevin Garvey, Chairperson;
Jeffrey Golda; William Young and John Foody

MEMBERS ABSENT: Bruce Bond, Vice Chairperson; Andy Stewart; Robert Dell

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

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

New Items:

Jensen Plans

Prepreliminary/ Preliminary/
Final Site Plan and
SEQRA Review
Critical Environmental Area
66.17/1/10; R-22 zoning district

**Continued:
Needs
Drainage**

PB #11-57

Anda Realty Site Plan

Final Site Plan
68.16/6/39; CS zoning district

**Final Site Plan
Approval Subject
to Conditions**

PB #11-58

**Dexter Plaza Internal
Commercial Subdivision Plan**

Prepreliminary/ Preliminary/ Final
Internal Commercial Subdivision Plan
and SEQRA
68.20/1/1.40; LIO zoning district

**Final Approval
Subject to
Conditions
Neg. Dec.**

PB #11-59

Lash Site Plan

Prepreliminary/ Preliminary Site Plan
and SEQRA Review
Critical Environmental Area
66.17/1/24; R-22 zoning district

**Preliminary Site
Plan Approval
Subject to
Conditions
Neg. Dec.**

PB #11-60

**O'Brien & Massetti
Resubdivision Plan**

Final Resubdivision Plan
68.20/2/25 & 31; RG zoning district

**Final Approval
Subject
to Conditions**

PB #11-61

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Nolan Performance Bond
Recommendation to the Town
Board to Establish the Value and
Term of the Performance Bond
74.07/1/7; CC zoning district

Recommended PB #11-62
to the Town Board

Other Business: The Board reviewed and consented to the Rockland County Department of General Services – Facilities Management acting as Lead Agency for the proposed Lamont Radio Communication Tower Site in the coordinated review of the State Environmental Quality Review.

The decisions of the November 9, 2011 Planning Board Meeting was reviewed, edited and approved. The motion for adoption was made and moved by William Young and seconded by John Foody and carried as follows: Robert Dell, absent; Kevin Garvey, aye; Bruce Bond, absent; Jeffrey Golda, aye; John Foody, aye; Andy Stewart, absent 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 William Young and seconded by John Foody and agreed to by all in attendance. The meeting was adjourned at 8:05 p.m. The next Planning Board meeting is scheduled for **Wednesday, January 11, 2012.**

DATED: December 14, 2011
Town of Orangetown Planning Board

PB #11-58: Anda Realty Site Plan - Final Site Plan Approval Subject to Conditions

Town of Orangetown Planning Board Decision

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TO: Donald Brenner, P.E., LL.B., 4 Independence Avenue,
Tappan, New York 10983

FROM: Orangetown Planning Board

RE: Anda Realty Site Plan: The application of Anda Realty LLC, owner, (Donald Brenner, Attorney for the Applicant) for Final Site Plan Review at a site known as "**Anda Realty 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 153 East Central Avenue, Pearl River, Town of Orangetown, Rockland County, New York; and as shown on the Orangetown Tax Map as Section 68.16, Block 6, Lot 39; in the CS zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, December 14, 2011** at which time the Board made the following determinations:

Enda McCormack and Donald Brenner appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated December 7, 2011.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated December 14, 2011.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., December 8, 2011.
4. A letter from Rockland County Department of Planning, signed Thomas Vanderbeek, Commissioner of Planning, dated November 23, 2011.
5. A letter from the Rockland County Department of Highways, signed by Joseph Arena, dated November 29, 2011.
6. A letter from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated October 31, 2011.
7. Copies of Board Decisions: ACABOR #11-08, Approved with Conditions, dated May 5, 2011, ZBA #10-64, Side Yard, Total Side Yard and Rear Yard Variances Approved with Conditions, dated September 1, 2010 and PB #10-58, Preliminary Site Plan Approval Subject to Conditions, Neg. Dec., dated December 8, 2010.

PB #11-58: Anda Realty Site Plan - Final Site Plan Approval Subject to Conditions

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8. A Site Plan prepared by Teo Siguenza, R.A., dated September 18, 2011.

The Board reviewed the plan.

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

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

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. Drainage calculations, prepared and sealed by a New York State Licensed Professional Engineer, shall be submitted to DEME for review and approval.
4. Soil erosion and sediment control plans and details shall be submitted to DEME for review and approval.

PB #11-58: Anda Realty Site Plan - Final Site Plan Approval Subject to Conditions

**Town of Orangetown Planning Board Decision
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5. A letter from the applicant's engineers shall be submitted indicating how much, if any, impervious surfaces will be added to this site due to the proposed construction.

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

- An updated review must be obtained from the Rockland County Highway Department. The concerns expressed in their November 29, 2010 letter must also be addressed and all required permits obtained.

- The access design appears to only accommodate one car. Explain how cars will leave and enter, avoiding conflicts. The access design shall be reconsidered in order to avoid cars waiting to enter from the County roadway.

- There shall be no net increase in the rate of storm water runoff from the site at all design points.

- Prior to the start of construction or grading, a soil and erosion control plan shall be developed and in place for the entire site that meets the current edition of the New York State Guidelines for Urban Erosion and Sediment Control.

7. The Rockland County Department of Highway reviewed the proposed action and offer the following comments for consideration:

- 1) The Town of Orangetown Land Use Board(s) shall be satisfied that the proposed loss of impervious area will not require mitigation measures to compensate for any additional runoff that may be generated from this site, in order to avoid any possible negative impacts upon East Central Avenue and neighboring parcels

- 2) Parking shall be adequate for type of use, and all required parking shall be contained on site in accordance to current Town Code.

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Continuation of Condition #7...

- 3)** A Rockland County Highway Department Work Permit will be required for the proposed construction, in addition to any and all permits required by the local municipality and various involved governmental agencies, and shall be secured prior to the start of any excavation or construction on the site.
- 4)** Should the proposed garage require additional or improved utility services to this parcel, a separate additional road-opening permit will be required if the applicant finds it necessary to cause a disruption to the paved surface within East Central Avenue.
- 5)** The Rockland County Highway Department poses no objection to the proposed Site Plan provided the applicant successfully responds to all concerns of the Planning Board Members.
- 8.** Application is to be made to the Rockland County Department of Health for review of the Stormwater Management system for compliance with the County Mosquito Code.
- 9.** The Town of Orangetown Bureau of Fire Prevention had the following comments which are incorporated herein as conditions of approval:
A fire alarm system connected to Rockland County 44-Control shall be installed, inspected and maintained in accordance with NFPA 72, with outside amber strobe as required by the Town of Orangetown Town Code.
- 10.** The applicant shall comply with all pertinent items in the Guide to the Preparation of Site Plans prior to signing the final plans.
- 11.** All reviews and approvals from various governmental agencies must be obtained prior to stamping of the Site Plan.
- 12. 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:

PB #11-58: Anda Realty Site Plan - Final Site Plan Approval Subject to Conditions

Town of Orangetown Planning Board Decision

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Continuation of Condition #12...

- a. No construction equipment shall be parked under the tree canopy.
- b. There will be no excavation or stockpiling of earth underneath the trees.
- c. Trees designated to be preserved shall be marked conspicuously on all sides at a 5 to 10 foot height.
- d. The Tree Protection Zone for trees designated to be preserved will be established by one of the following methods:
 - One (1) foot radius from trunk per inch DBH
 - Drip line of the Tree Canopy. The method chosen should be based on providing the maximum protection zone possible. A barrier of snow fence or equal is to be placed and maintained one yard beyond the established tree protection zone. If it is agreed that the tree protection zone of a selected tree must be violated, one of the following methods must be employed to mitigate the impact:
 - Light to Heavy Impacts – Minimum of eight inches of wood chips installed in the area to be protected. Chips shall be removed upon completion of work.
 - Light Impacts Only – Installation of $\frac{3}{4}$ inch of plywood or boards, or equal over the area to be protected.

The builder or its agent may not change grade within the tree protection zone of a preserved tree unless such grade change has received final approval from the Planning Board. If the grade level is to be changed more than six (6) inches, trees designated to be preserved shall be welled and/or preserved in a raised bed, with the tree well a radius of three (3) feet larger than the tree canopy.

13. 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.

14. Prior to the commencement of any site work, including the removal of trees, the applicant shall install the soil erosion and sedimentation control as required by the Planning Board. Prior to the authorization to proceed with any phase of the site work, the Town of Orangetown Department of Environmental Management and Engineering (DEME) shall inspect the installation of all required soil erosion and sedimentation control measures. The applicant shall contact DEME at least 48 hours in advance for an inspection.

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15. The contractor's trailer, if any is proposed, shall be located as approved by the Planning Board.
16. 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).
17. Permanent vegetation cover of disturbed areas shall be established on the site within thirty (30) days of the completion of construction.
18. 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
19. The Planning Board shall retain jurisdiction over lighting, landscaping, signs and refuse control.
20. All of the conditions of this decision, shall be binding upon the owner of the subject property, its successors and/or assigns, including the requirement to maintain the property in accordance with the conditions of this decision and the requirement, if any, to install improvements pursuant to Town Code §21A-9. Failure to abide by the conditions of this decision as set forth herein shall be considered a violation of Site Plan Approval pursuant to Town Code §21A-4.

The foregoing Resolution was made and moved by John Foody and seconded by William Young and carried as follows: Bruce Bond, absent; Andy Stewart, absent; William Young, aye; John Foody, aye; Robert Dell, absent; 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: December 14, 2011
Town of Orangetown Planning Board

REVISED: January 13, 2012

**PB #11-59: Dexter Plaza Internal Commercial Subdivision Plan: FINAL
Approval Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision
December 14, 2011
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TO: Donald Brenner, P.E., LL.B.,
4 Independence Avenue,
Tappan, New York

FROM: Orangetown Planning Board

RE: Dexter Plaza Internal Commercial Subdivision Plan: The application of Nicholas Miele, owner, (Donald Brenner, Attorney for the owner) for Prepreliminary/ Preliminary/ Final Internal Commercial Subdivision Plan review, at a site known as "**Dexter Plaza Internal Commercial Subdivision Plan**", in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21 of the Code of the Town of Orangetown and to determine the environmental significance of the application pursuant to the requirements of the New York State Environmental Quality Review Act. The site is located at 6 Dexter Plaza, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 68.20, Block 1, Lot 1.40, in the LIO zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, December 14, 2011**, the Board made the following determinations:

Donald Brenner appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated December 7, 2011.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated December 14, 2011.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., December 8, 2011.
4. Letters from Rockland County Department of Planning, signed by Thomas Vanderbeek, Commissioner of Planning, dated December 6, 2011.
5. Letters from the Rockland County Department of Highways, signed by Joseph Arena, December 14, 2011.
6. A letter from Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer, dated December 6, 2011.
7. A letter from Rockland County Drainage Agency, signed by Vincent Altieri, dated November 28, 2011.
8. Letters from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated November 8, 2011.

**PB #11-59: Dexter Plaza Internal Commercial Subdivision Plan: FINAL
Approval Subject to Conditions/ Neg. Dec.**

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9. A letter from the Town of Orangetown Zoning Board of Appeals, signed by William Mowerson, dated November 2, 2011.
10. An interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by Michael B. Bettmann, Chief Fire Inspector, dated December 13, 2011.
11. A Short Environmental Assessment Form signed by Nicholas Miele, dated October 27, 2011.
12. Building #6 Plans prepared by Vincent Acocella, R.A., last revised October 25, 2011:
 - A-1: Plan & Elevation, dated October 5, 1988
 - A-2: Floor Plan, Elevation & Detail, dated December 16, 1991
13. A copy of PB #97-30, Refer to Comments, dated September 10, 1997.

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

Pursuant to New York Code, Rules & Regulations (NYCRR) Section 617.7, the Town of Orangetown Planning Board, as lead agency, for the reasons articulated in this Board's analysis of all of the submissions by the applicant, interested agencies, departments and the public, with respect to this project including the Environmental Assessment Form, which reasons are summarized in the motion, hereby determines that the proposed action will not have a significant impact on the environment and a Draft Environmental Impact Statement (DEIS) will not be prepared.

**PB #11-59: Dexter Plaza Internal Commercial Subdivision Plan: FINAL
Approval Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision
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After having identified the relevant areas of environmental concern, namely drainage, surface water runoff, land clearing, vegetation, fauna, traffic and noise levels, and after having taken a hard look at said environmental issues, and after having deliberated regarding such concerns, and having heard from the applicant, the applicant's professional representatives, namely Vincent Acocella, R.A., and having heard from the following offices, officials and/or Departments: (Town of Orangetown): Project Review Committee, Office of Building, Zoning, Planning Administration and Enforcement and Department of Environmental Management and Engineering; and having heard from the following involved and interested agencies: Town of Orangetown Zoning Board of Appeals, Rockland County Department of Planning, Rockland County Department of Highways, Rockland County Department of Health, Rockland County Sewer District No.1, and having reviewed a proposed Internal Subdivision plan by prepared by Vincent Acocella, R.A., a summary of the reasons supporting this determination are, and the Planning Board finds, that the proposed action:

- Will not significantly affect existing air quality or noise levels;
- Will not significantly affect existing surface water quality or quantity or drainage;
- Will not significantly affect existing ground water quality or quantity;
- Will not significantly affect existing traffic levels;
- Will not create a substantial increase in solid waste production;
- Will not create a potential for erosion, flooding, leaching or drainage problems;
- Will not have a significant adverse impact on the environmental characteristics of our critical environmental area or environmentally sensitive sites or features;
- Will not have an impairment of the character or quality of important historical, archeological or architectural resources;
- Will not have an impairment of the character or quality of important aesthetic resources;
- Will not have an impairment of existing community or neighborhood character;
- Will not remove or destroy large quantities of vegetation or fauna;
- Will not remove or destroy large quantities of wildlife species or migratory fish;
- Will not have a significant adverse impact to natural resources;
- Is consistent with the Town of Orangetown's Comprehensive/Master Plan;
- Will not have adverse economic or social impacts upon the Town;
- Will not create a hazard to human health; and
- Will not create a substantial change in the use of land, open space or recreational resources.

**PB #11-59: Dexter Plaza Internal Commercial Subdivision Plan: FINAL
Approval Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision
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On motion by William Young and seconded by Jeffrey Golda and carried as follows: Bruce Bond, absent; Andy Stewart, absent; Robert Dell, absent; John Foody, aye; William Young, aye; Jeffrey Golda, aye and Kevin Garvey, aye the Board made a Negative Declaration pursuant to SEQRA.

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

1. The following note shall be placed on the subdivision plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a Pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a Meeting."
2. Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations
3. The total number of units/spaces for the entire building number 6 shall be labeled on the plans. It appears from the drawings submitted that 10 separate units/spaces are proposed consisting of 3 offices, 3 storage and 4 tenants spaces.
4. Please clearly identify the use for each unit/space, such as "office," "storage," etc.
5. Storage of goods or equipment is accessory to uses permitted in the LIO zone district.
6. The Short Environmental Assessment Form appears to be in order.

**PB #11-59: Dexter Plaza Internal Commercial Subdivision Plan: FINAL
Approval Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision
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7. Rockland County Department of Planning had the following comments which are incorporated herein as conditions of approval:

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

A review shall be completed by the Rockland County Drainage Agency and any required permits obtained.

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

A review shall be completed by the County of Rockland Department of Highways and any required permits obtained.

An overall plan drawing of the Dexter Plaza Industrial Park shall be provided that shows the location and number of parking spaces, their allocation among uses, and the relationship of the parking provided to applicable parking requirements.

8. The Rockland County Department of Highway reviewed the plans and information provided and found the proposed action shall have not foreseeable adverse impact upon county roads in the area.

9. Based upon Rockland County Drainage Agency (RCDA) evaluation of available mapping and information submitted, it has been determined that the parcel located at 6 Dexter Plaza, is within the jurisdiction of the RCDA. However, the current proposal is for an internal commercial subdivision of space and renovations within an existing building. In that regard, a permit from the RCDA will not be required at this time. However, any future decisions or determinations made by the Town of Orangetown regarding this parcels shall indicate that it is within the jurisdiction of the RCDA and that a permit from the RCDA is required prior to any future proposed construction and /or land disturbance at this site. pursuant to the Rockland County Stream Control Act is required.

PB #11-59: Dexter Plaza Internal Commercial Subdivision Plan: FINAL Approval Subject to Conditions/ Neg. Dec.

**Town of Orangetown Planning Board Decision
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10. The Rockland County Department of Health reviewed the provided information and found that no Rockland County Department of Health approvals are associated with this application.

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

12. The Town of Orangetown Bureau of Fire Prevention had the following comments in regards to the proposed development:

Information shall be provided regarding how many rentable spaces there are in the building and who is renting them at this time, including square footage.

In regards to the paint storage, provide an evaluation of the fire sprinkler system as to its ability to protect the paint in the event of a fire.

Provide Portable Fire Extinguishers as per NFPA 10.

Provide Emergency lighting as per NEC.

Provide proper aisles for paint pallet storage.

Provide for a Key Box.

(Place the above as notes on the subdivision plan)

13. The following agencies do not object to the Town of Orangetown Planning Board assuming responsibilities of lead agency for SEQRA purposes:

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

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

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

16. All of the conditions of this decision, shall be binding upon the owner of the subject property, its successors and/or assigns, including the requirement to maintain the property in accordance with the conditions of this decision and the requirement, if any, to install improvements pursuant to Town Code §21A-9. Failure to abide by the conditions of this decision as set forth herein shall be considered a violation of Site Plan Approval pursuant to Town Code §21A-4.

**PB #11-59: Dexter Plaza Internal Commercial Subdivision Plan: FINAL
Approval Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision
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The foregoing Resolution was made and moved by John Foody and seconded by Jeffrey Golda and carried as follows: Bruce Bond, absent; Kevin Garvey, aye; Andy Stewart, absent; William Young, aye; John Foody, aye; Robert Dell, absent 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: December 14, 2011
Town of Orangetown Planning Board**

attachment

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

**PB #11-59: Dexter Plaza Internal Commercial Subdivision Plan: FINAL
Approval Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision
December 14, 2011**

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: **Dexter Plaza Internal Commercial Subdivision Plan**
SEQR STATUS: Type I _____ Unlisted XXXXXX
CONDITIONED NEGATIVE DECLARATION: Yes _____ No XXXXXX

DESCRIPTION OF ACTION: Internal Commercial Subdivision

LOCATION: The site is located at 6 Dexter Plaza, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 68.20, Block 1, Lot 1.40, 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, Town Supervisor, Applicant, Involved Agencies

PB #11-60: Lash Site Plan – Preliminary Site Plan Approval Subject to Conditions- Critical Environmental Area

Town of Orangetown Planning Board Decision

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TO: Allan Lash, 260 South Boulevard, Upper Grandview, New York
FROM: Orangetown Planning Board

RE: Lash Site Plan: The application of Allan Lash, owner, for Prepreliminary/ Preliminary Site Plan review, at a site located in the Critical Environmental Area, known as “**Lash 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 and to determine the environmental significance of the application pursuant to the requirements of the New York State Environmental Quality Review Act. The site is located at 260 South Boulevard, Upper Grandview, Town of Orangetown, Rockland County, New York and as shown on the Orangetown Tax Map as Section 66.17, Block 1, Lot 24, in the R-22 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held, **Wednesday, December 14, 2011**, at which time the Board made the following determinations:

Allan Lash appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated December 7, 2011.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated December 14, 2011.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated December 8, 2011.
4. A letter from Brooker Engineering, signed by Kenneth DeGennario, P.E., dated December 4, 2011.
5. A letter from Rockland County Department of Planning, signed by Eileen Miller, Senior Planner, last dated November 14, 2011.
6. Letters from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated November 8, 2011.
7. A letter from the Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer II, dated December 6, 2011.
8. A letter from the Town of Orangetown Zoning Board of Appeals, signed by William Mowerson, Chairperson, dated November 16, 2011.
9. A Site Plan prepared by Allan H. Lash, P.E., dated July 27, 2011.
10. A Short Environmental Assessment Form signed by Allan Lash, dated October 25, 2011.

PB #11-60: Lash Site Plan – Preliminary Site Plan Approval Subject to Conditions- Critical Environmental Area

Town of Orangetown Planning Board Decision

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

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

The proposed action is classified as an “unlisted action” as defined by Section 617.2 (ak) of the New York State Environmental Quality Review Regulations (SEQRR). No agency, other than the Orangetown Planning Board will have any significant involvement in the review process, pursuant to Section 617.6 of SEQRA.

On motion by William Young and seconded by John Foody and carried as follows: Kevin Garvey, aye; Bruce Bond, absent; Andy Stewart, absent; William Young, aye; Robert Dell, absent; John Foody, aye and Jeffrey Golda, aye; the Board declared itself Lead Agency.

Pursuant to New York Code, Rules & Regulations (NYCRR) Section 617.7, the Town of Orangetown Planning Board, as lead agency, for the reasons articulated in this Board’s analysis of all of the submissions by the applicant, interested agencies, departments and the public, with respect to this project including the Environmental Assessment Form, which reasons are summarized in the motion, hereby determines that the proposed action will not have a significant impact on the environment and a Draft Environmental Impact Statement (DEIS) will not be prepared.

After having identified the relevant areas of environmental concern, namely drainage, surface water runoff, land clearing, vegetation, fauna, traffic and noise levels, and after having taken a hard look at said environmental issues, and after having deliberated regarding such concerns, and having heard from the

applicant, and having heard from the following offices, officials and/or Departments: (Town of Orangetown): Project Review Committee, Office of Building, Zoning, Planning Administration and Enforcement and Department of Environmental Management and Engineering, and having heard from the following involved and interested agencies: Town of Orangetown Zoning Board of Appeals, Rockland County Department of Highways, Rockland County Department of Health, Rockland County Sewer District #1 and having reviewed a proposed Site Plan by prepared by Allan Lash, P.E., a summary of the reasons supporting this determination are, and the Planning Board finds that the proposed action:

PB #11-60: Lash Site Plan – Preliminary Site Plan Approval Subject to Conditions- Critical Environmental Area

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- Will not significantly affect existing air quality or noise levels;
- Will not significantly affect existing surface water quality or quantity or drainage;
- Will not significantly affect existing ground water quality or quantity;
- Will not significantly affect existing traffic levels;
- Will not create a substantial increase in solid waste production;
- Will not create a potential for erosion, flooding, leaching or drainage problems;
- Will not have a significant adverse impact on the environmental characteristics of our critical environmental area or environmentally sensitive sites or features;
- Will not have an impairment of the character or quality of important historical, archeological or architectural resources; -Will not have an impairment of the character or quality of important aesthetic resources;
- Will not have an impairment of existing community or neighborhood character;
- Will not remove or destroy large quantities of vegetation or fauna;
- Will not remove or destroy large quantities of wildlife species or migratory fish;
- Will not have a significant adverse impact to natural resources;
- Is consistent with the Town of Orangetown's Comprehensive/Master Plan;
- Will not have adverse economic or social impacts upon the Town;
- Will not create a hazard to human health; and
- Will not create a substantial change in the use of land, open space or recreational resources.

On motion by John Foody and seconded by William Young and carried as follows: Kevin Garvey, aye; Bruce Bond, absent; Andy Stewart, absent; Robert Dell, absent; John Foody, aye; William Young, aye; and Jeffrey Golda, aye, the Board made a Negative Declaration pursuant to SEQRA.

DECISION: In view of the foregoing and the testimony before the Board, the application was GRANTED A PRELIMINARY SITE PLAN APPROVAL 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."

PB #11-60: Lash Site Plan – Preliminary Site Plan Approval Subject to Conditions- Critical Environmental Area

**Town of Orangetown Planning Board Decision
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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 is proposing a small addition measuring 6 feet by 17.5 feet on the south side of the residence. A zoning Bulk Table shown “required” and “provided” bulk items shall be included on the Site Plan.
4. An erosion and sediment control plan shall be submitted. Due to the minor nature of the proposed project, the erosion and sediment controls can be shown on the Site Plan.
5. The following variances need to be sought from the Zoning Board of Appeals:

| <u>Variance</u> | <u>Required</u> | <u>Proposed</u> |
|--|-----------------|-----------------|
| Minimum Side Yard (Lot is undersized) | 20 feet | 12.1 feet |
| Minimum Total Side Yard | 40 feet | 27.7 feet |
| Maximum Height | 13.6 (allowed) | 15 feet |
6. The Short Environmental Assessment Form, item #8 and #10 need to be answered. Item #8 shall be answered “No” and “ZBA” Variances requested” added and item #10 shall be answered “Yes” and “Building Permit” added.
7. The applicant does not need to appear before the Town of Orangetown Architecture and Community Appearance Board of Review.

PB #11-60: Lash Site Plan – Preliminary Site Plan Approval Subject to Conditions- Critical Environmental Area

Town of Orangetown Planning Board Decision

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8. The locations of the existing utilities on the property shall be shown on the Site Plan.

9. The applicant's engineer shall indicate the total amount of new impervious area being proposed as part of this Site Plan.

10. The page and liber or instrument number, as well as ownership for the existing 15 foot wide were easement shall be given on the plans.

11. As the acting drainage consultant for the Town of Orangetown Planning Board, Brooker Engineering, recommends that since the overall site disturbance does not require post construction stormwater detention and water quality as per local and State regulations, it is recommended that the Lash Site Plan be approved for drainage with conditions subject to the following Comments:

Project Description:

The dwelling is located on the east side of South Boulevard, in a Critical Environmental Area due to steep slopes. For this application, a 6'-0" by 17'-6" one story plus crawl space addition on the south side of the building is proposed. During conversation with the homeowner, the Drainage Consultant found that the applicant stated that he has not witnessed any significant off-site runoff entering the front yard area in question during the 30 years he has lived at the residence.

The project proposes 105 square feet of additional impervious area. Site disturbance is less than one acre, therefore no post construction water quality and detention mitigation measures are required per latest NYSDEC regulations. Similarly, Orangetown requirements for disturbance in a Critical Environmental Area due not require stormwater detention and water quality for this minor additional lot coverage. No drainage calculations were included as part of the Site Plan application. No post construction stormwater quality or detention is proposed.

PB #11-60: Lash Site Plan – Preliminary Site Plan Approval Subject to Conditions- Critical Environmental Area

**Town of Orangetown Planning Board Decision
December 14, 2011
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Continuation of Condition #11...

Project Comments:

1. Proposed topography should be added to the plan showing surface water will runoff away from the addition (in a southerly direction). The topography shown on the plan shows surface water running off parallel to the building (in an easterly direction).
2. The proposed addition is shown as a 12.1 feet away from the southern property line. Runoff flowing to the south away from the building should not enter the property to the south. A swale should be added in this vicinity showing that runoff from the addition and roof leader downspout flows to the rear of the property and is dispersed.
3. The crawl space elevation should be shown on the plan. A footing drain detail should be added to the plan and the footing drain location, including discharge point, should be added to the plan.
4. A Sediment and Erosion Control Plan should be added to the plan. This should include details for silt fence and anti-tracking pavement. The locations of the silt fence and anti-tracking pavement plan should be shown on the Sediment and Erosion Control Plan. The Drainage Consultant presumed construction access for earthmoving equipment will be via the end of the driveway in the rear of the house. This should be noted on the plan and coordinated with the location of the anti-tracking pavement.
5. There is an existing swale in the front of the dwelling that flows southeast around the side of the house. The swale should be added to the plan and the grading plan should show that stormwater runoff will be directed around the addition and not on the neighbor's property.
6. There are several trees and some brush along the southerly property line, near the area of the building addition. These should be added to the plan and should be labeled as "Trees/vegetation to remain" or "Trees/vegetation to be removed."

PB #11-60: Lash Site Plan – Preliminary Site Plan Approval Subject to Conditions- Critical Environmental Area

**Town of Orangetown Planning Board Decision
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12. 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.

13. Based on the information provided the Rockland County Department of Health held that there are no Rockland County Health Department approvals needed for this application.

14. The following agencies do not object to the Town of Orangetown Planning Board assuming responsibilities of lead agency for SEQRA purposes:

- Rockland County Health Department
- Town of Orangetown Zoning Board of Appeals
- Rockland County Sewer District #1

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

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

17. 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:

PB #11-60: Lash Site Plan – Preliminary Site Plan Approval Subject to Conditions- Critical Environmental Area

**Town of Orangetown Planning Board Decision
December 14, 2011
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Continuation of Condition #17....

- Light to Heavy Impacts – Minimum of eight inches of wood chips installed in the area to be protected. Chips shall be removed upon completion of work.

- Light Impacts Only – Installation of ¾ inch of plywood or boards, or equal over the area to be protected.

The builder or its agent may not change grade within the tree protection zone of a preserved tree unless such grade change has received final approval from the Planning Board. If the grade level is to be changed more than six (6) inches, trees designated to be preserved shall be welled and/or preserved in a raised bed, with the tree well a radius of three (3) feet larger than the tree canopy.

18. 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.

19. 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.

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

21. 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).

PB #11-60: Lash Site Plan – Preliminary Site Plan Approval Subject to Conditions- Critical Environmental Area

**Town of Orangetown Planning Board Decision
December 14, 2011
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22. Permanent vegetation cover of disturbed areas shall be established on the site within thirty (30) days of the completion of construction.

23. 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

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

25. All of the conditions of this decision, shall be binding upon the owner of the subject property, its successors and/or assigns, including the requirement to maintain the property in accordance with the conditions of this decision and the requirement, if any, to install improvements pursuant to Town Code §21A-9. Failure to abide by the conditions of this decision as set forth herein shall be considered a violation of Site Plan Approval pursuant to Town Code §21A-4.

The foregoing Resolution was made and moved by William Young and seconded by Jeffrey Golda and carried as follows: Kevin Garvey, aye; Bruce Bond, absent; Andy Stewart, absent; William Young, aye; John Foody, aye; Robert Dell, absent 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: December 14, 2011
Town of Orangetown Planning Board
attachment

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

**PB #11-60: Lash Site Plan – Preliminary Site Plan Approval Subject to
Conditions- Critical Environmental Area**

**Town of Orangetown Planning Board Decision
December 14, 2011**

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: **Lash Site Plan**

SEQR STATUS: Type I _____ Unlisted XXXXXX

CONDITIONED NEGATIVE DECLARATION: Yes _____ No XXXXXX

DESCRIPTION OF ACTION: Site Plan– Critical Environmental Area

LOCATION: The site is located at 260 South Boulevard, Upper Grandview, Town of Orangetown, Rockland County, New York and as shown on the Orangetown Tax Map as Section 66.17, Block 1, Lot 24, in the R-22 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 development. 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 #11-61: O'Brien & Massetti Resubdivision; Final Subdivision Plan Approval Subject to Conditions

Town of Orangetown Planning Board Decision

December 14, 2011

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TO: Peter O'Brien, 160 Franklin Avenue, Pearl River, New York
FROM: Orangetown Planning Board

RE: O'Brien & Massetti Resubdivision Plan: The application of Peter J. O'Brien, applicant, (James Riley, Attorney for the applicant), Mark Massetti, owner, for Final Resubdivision Plan Review, at a site to be known as "**O'Brien & Massetti Resubdivision 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 160 Franklin Avenue and 163 Prospect Place, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 68.20, Block 2, Lots 25 & 31 in the RG zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, December 14, 2011**, the Board made the following determinations:

Peter O'Brien and Brian Quinn appeared and testified.

The Board received the following communications:

1. Project Review Committee Reports dated December 7, 2011.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated December 14, 2011.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., December 8, 2011.
4. A letter from Rockland County Department of Planning, signed by Thomas B. Vanderbeek, Commissioner of Planning, dated December 6, 2011.
5. A letter from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated November 14, 2011.
6. Lot Line Change Map prepared for O'Brien & Massetti prepared by Joseph Haller, PLS, dated June 15, 2011, revised October 31, 2011.
7. Copies of ZBA # 11-82, Lot Area, Lot Width, Front Yard, Side Yard, Total Side Yard and Building Height Variances Approved, dated October 5, 2011 and PB # 11-33, Preliminary Resubdivision Approval Subject to Conditions, dated July 27, 2011.

**PB #11-61: O'Brien & Massetti Resubdivision; Final Subdivision Plan
Approval Subject to Conditions**

**Town of Orangetown Planning Board Decision
December 14, 2011
Page 2 of 5**

The Board reviewed the plan.

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

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."
2. Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations
3. The applicant shall comply with all pertinent and applicable conditions of all Board Decisions: ZBA # 11-82, Lot Area, Lot Width, Front Yard, Side Yard, Total Side Yard and Building Height Variances Approved, dated October 5, 2011 and PB # 11-33, Preliminary Resubdivision Approval Subject to Conditions, dated July 27, 2011.
4. The existing sanitary sewer house connections shall be shown on the plan, including all inverts.

**PB #11-61: O'Brien & Massetti Resubdivision; Final Subdivision Plan
Approval Subject to Conditions**

**Town of Orangetown Planning Board Decision
December 14, 2011
Page 3 of 5**

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

1) As required by the Rockland County Stream Control Act, Chapter 846, all subdivision maps must be signed by the Chairman of the Rockland County Drainage Agency before the Rockland County Clerk will accept same for filing.

6. The Rockland County Department of Health (RCDOH) reviewed the plans and found that there are no Rockland County Health Department approvals needed for this application.

7. The Rockland County Department of Highway reviewed the plans and information provided and found the proposed action shall have not foreseeable adverse impact upon county roads in the area.

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

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

10. TREE PROTECTION: The following note shall be placed on the Subdivision Plan. The Tree Protection and Preservation Guidelines adopted pursuant to Section 21-24 of the Land Development Regulations of the Town of Orangetown will be implemented in order to protect and preserve both individual specimen trees and buffer area with many trees. Steps that will be taken to reserve and protect existing trees to remain are as follows:

- 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:

PB #11-61: O'Brien & Massetti Resubdivision; Final Subdivision Plan Approval Subject to Conditions

Town of Orangetown Planning Board Decision

December 14, 2011

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Continuation of Condition #10...

Light to Heavy Impacts – Minimum of eight inches of wood chips installed in the area to be protected. Chips shall be removed upon completion of work.

Light Impacts Only – Installation of $\frac{3}{4}$ inch of plywood or boards, or equal over the area to be protected.

The builder or its agent may not change grade within the tree protection zone of a preserved tree unless such grade change has received final approval from the Planning Board. If the grade level is to be changed more than six (6) inches, trees designated to be preserved shall be welled and/or preserved in a raised bed, with the tree well a radius of three (3) feet larger than the tree canopy.

11. 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.

12. 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.

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

14. 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).

PB #11-61: O'Brien & Massetti Resubdivision; Final Subdivision Plan Approval Subject to Conditions

**Town of Orangetown Planning Board Decision
December 14, 2011
Page 5 of 5**

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

16. 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

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

18. All of the conditions of this decision, shall be binding upon the owner of the subject property, its successors and/or assigns, including the requirement to maintain the property in accordance with the conditions of this decision and the requirement, if any, to install improvements pursuant to Town Code §21A-9. Failure to abide by the conditions of this decision as set forth herein shall be considered a violation of Site Plan Approval pursuant to Town Code §21A-4.

The foregoing Resolution was made and moved by William Young and seconded by Jeffrey Golda and carried as follows: Bruce Bond, absent; Kevin Garvey, aye; Andy Stewart, absent; William Young, aye; John Foody, aye; Robert Dell, absent 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: December 14, 2011
Town of Orangetown Planning Board**

Tracking #11-12-74.07-1-7

PB #11-62: Nolan Monument Performance Bond - Recommendation to the Town Board to Establish Value and Term of the Performance Bond

Town of Orangetown Planning Board Decision

December 14, 2011

Page 1 of 2

TO: Jay Greenwell, 85 Lafayette Avenue, Suffern, New York 10901
FROM: Town of Orangetown Planning Board

RE: Nolan Monument Performance Bond: The application of Nolan Monuments, applicant, for 508 Route 303 Realty, LLC, owner, for a Recommendation to the Town Board to Establish the Value and Term of the Performance Bond for a site to be known as "**Nolan Monument 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 508 Route 303, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 74.07, Block 1, Lot 7 in the CC zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, December 14, 2011**, at which time the Board made the following determinations:

Jay Greenwell appeared and testified for the applicant.

The Board received the following communications:

1. Project Review Committee Report dated December 7, 2011.
2. Interdepartmental memorandums from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated December 14, 2011.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated November 28, 2011.
4. Copy of PB #11-48, Final Site Plan Approval Subject to Conditions, dated October 26, 2011.

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

Tracking #11-12-74.07-1-7

PB #11-62: Nolan Monument Performance Bond - Recommendation to the Town Board to Establish Value and Term of the Performance Bond

**Town of Orangetown Planning Board Decision
December 14, 2011
Page 2 of 2**

RECOMMENDATION: In view of the foregoing, the Planning Board RECOMMENDS TO THE TOWN OF ORANGETOWN TOWN BOARD that the value of the Performance Bond be established in accordance with the Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated November 28, 2011.

The term of the Performance Bond shall not exceed two (2) years as set forth in Section 21A-10 of the Town of Orangetown Town Code, which shall be on or before December 14, 2013, and Subject to the Following Conditions:

| <u>ITEM</u> | <u>COST</u> |
|-----------------------------------|---------------------|
| Concrete Curbing | \$ 4,725.00 |
| As-Built Drawings | 1,800.00 |
| Drainage | 5,500.00 |
| Soil Erosion and Sediment Control | 8,200.00 |
| Sanitary System | 500.00 |
| <u>Sub-Total</u> | <u>\$ 20,725.00</u> |

Administrative Close-out
(20% of Sub-Total) \$ 4,145.00

Total Bond \$ 24,870.00

inspection Fee (3% of Sub-Total) \$ 621.75

to be submitted to DEME prior to the onset of construction.

All Bonds are to conform to current town regulations.

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

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

**Dated: December 14, 2011
Town of Orangetown Planning Board**