

**TOWN OF ORANGETOWN PLANNING BOARD  
MEETING OF DECEMBER 10, 2008**

**MEMBERS PRESENT:**

Robert Dell, Chairperson, Bruce Bond, Vice-Chairperson, Anthony Iurica, Kevin Garvey and John Foody

**MEMBERS ABSENT:** Jeffrey Golda and William Young

**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:

**Continued Items from the November 12, 2008 Meeting:**

<b>Orangeburg Racquet Club Site Plan</b> Final Site Plan and Conditional Use Permit Review 77.05/1/1; LIO zoning district	<b>Final Site Plan Approval Subject to Conditions and Conditional Use Permit</b>	<b>PB #08-60</b>
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<b>Orangeburg Chase Bank Resubdivision Plan</b> Reaffirmation of SEQRA, Amendment to Preliminary, Final Resubdivision Plan Review 74.11/2/51 & 52; CC zoning district	<b>Final Approval Subject to Conditions Reaffirmation of Neg. Dec.</b>	<b>PB #08-64</b>
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<b>Orangeburg Chase Bank Site Plan</b> Reaffirmation of SEQRA, Amendment to Preliminary, Final Site Plan Approval 74.11/2/51 & 52; CC zoning district	<b>Amendment to Preliminary Approval Subject to Conditions Reaffirmation of Neg. Dec.</b>	<b>PB #08-65</b>
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**New Items:**

<b>Ramsay Subdivision Plan</b> Prepreliminary/Preliminary Subdivision Plan &SEQRA Review 77.08/5/33; RG zoning district	<b>Continued: Alternate Layout Reviewed</b>	<b>PB #08-66</b>
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<b>Mapleshade Landscaping Site Plan</b> Consultation 74.07/1/29; LI zoning district	<b>Consultation</b>	<b>PB #08-67</b>
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<b>Steinmetz Site Plan</b> Critical Environmental Area Final Site Plan Review 71.09/1/32; R-22 zoning district	<b>Final Site Plan Approval Subject to Conditions</b>	<b>PB #08-68</b>
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<b>Pierce Park Minor Subdivision Plan</b> Recommendation to the Town Board to Release the Performance Bond 70.13/2/13; R-15 zoning district	<b>Recommended to the Town Board</b>	<b>PB #08-69</b>
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**December 10, 2008 Planning Board Meeting**

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The decisions of the November 12, 2008 Planning Board Meeting was reviewed, edited and approved. The motion for adoption was made and moved by Bruce Bond and seconded by Kevin Garvey and carried as follows: Robert Dell, aye; Kevin Garvey, aye; Bruce Bond, aye; Anthony Iurica, aye; Jeffrey Golda, absent; John Foody, aye and William Young, absent.

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

Since there was no further business to come before the Board, a motion to adjourn the meeting was made by Anthony Iurica, seconded by Bruce Bond and agreed to by all in attendance. The meeting was adjourned at 9:45 p.m. The next Planning Board meeting is scheduled for January 14, 2009.

**Dated: December 10, 2008** \_\_\_\_\_

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

**PB #08-60- TOWN OF ORANGETOWN PLANNING BOARD DECISION**

**Orangeburg Racquet Club Site Plan; Final Site Plan Approval Subject to Conditions and Conditional Use Permit**

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**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 Final 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 a meeting held **Wednesday, December 10, 2008**, at which time the Board made the following determinations:

Donald Brenner, Barry Poskanzer and Peter Wilner appeared and testified.

The Board received the following communications:

1. Project Review Reports dated December 3 & November 5, 2008.
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 10 & November 12, 2008.
3. Interdepartmental memorandums from the Department of Environmental Management and Engineering, (DEME) Town of Orangetown, signed by Bruce Peters, P.E., dated December 5 & November 6, 2008.
4. Letters from HDR signed by Harvey Goldberg, P.E., dated December 8, October 25 and September 29, 2008.
5. A letter from the Rockland County Department of Planning, Salvatore Corallo, Commissioner of Planning, dated September 8, 2008.
6. Letters from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated September 8 & February 20, 2008.
7. Site Plans prepared by Thor Engineers, P.A., dated January 16, 2008, last revised August 12, 2008:
  - SP-1: Cover Sheet
  - SP-2: Site Plan
8. Plans prepared by Poskanzer Skott Architects dated July 17, 2006, last revised August 7, 2008:
  - SP-1 Proposed Site Plan
  - SP-2: Proposed Elevations

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9. Board Decisions: ZBA #08-100, Amendment to ZBA #08-73, dated November 19, 2008, ACABOR #08-42, Approved with Conditions, dated September 23, 2008, ZBA #08-73, New York State Town Law § 280-a Exception Granted; Front Yard, Side Yard Variances Approved with Conditions, dated July 16, 2008 and PB #08-14, Preliminary Site Plan Approval Subject to Conditions, dated April 9, 2008.

The Board reviewed the plans.

**Public Comments:**

Lester Cohen 167 Cowpens Drive, read letter from neighbors, Scott and Noreen Hanson, who opposed the proposed development. Mr. Cohen believed that applicant should have filed the long form environmental form and that the information on the short environmental form was misleading. Mr. Cohen also noted that there were issues with the roadway since South Ramland Road was a private road.

Dominick Crispini, 19 Redcoat Lane, raised concerns regarding the environmental assessment form. He stated that the present condition of his property was very wet.

Patrick Weir, 159 Cowpens Drive, held that the short environmental form was incorrectly filled out. The proposed development will economically and socially impact the neighborhood. The long form should have been filled out.

A motion was made to close the Public Hearing portion of the meeting by Kevin Garvey and seconded by Bruce Bond and carried as follows:

Bruce Bond, aye; Anthony Iurica, aye; John Foody, aye; William Young, absent; Robert Dell, aye; Jeffrey Golda, absent 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."

## **PB #08-60- TOWN OF ORANGETOWN PLANNING BOARD DECISION**

### **Orangeburg Racquet Club Site Plan; Final Site Plan Approval Subject to Conditions and Conditional Use Permit**

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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 shall comply with all pertinent and applicable previous Board Decisions: ZBA #08-100 - Amendment to ZBA #08-73, dated November 19, 2008; ACABOR #08-42 - Approved with Conditions, dated September 23, 2008; ZBA #08-73 - New York State Town Law § 280-a Exception Granted; Front Yard, Side Yard Variances Approved with Conditions, dated July 16, 2008 and PB #08-14 - Preliminary Site Plan Approval Subject to Conditions, dated April 9, 2008.
- 4.** The drainage calculations are currently under review by DEME. However, Because the Perc Rate is assumed, a field Perc Test shall be administered prior to stamping the Site Plan, to ensure adequacy of designed drainage system. The applicant's engineers shall provide a copy of the field Perc Test to DEME and the Building Department.
- 5.** The roof drain discharge points shall be shown on the Site Plan.
- 6.** 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).
- 7.** The 100 year floodplain for the existing brook shall be shown on the Site Plan.
- 8.** 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.
- 9.** The entire proposed sanitary building connection shall be a 6 inch line.
- 10.** A fence shall be depicted along the western side of the proposed south detention basin. A detail fro the fence shall be added to the plans.
- 11.** DEME is still waiting for a formal SWPPP from the applicant's engineer. DEME will contact the applicant's engineer directly for any changes or modifications.

**PB #08-60- TOWN OF ORANGETOWN PLANNING BOARD DECISION**

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**12.** The Applicant proposes to construct a new building that will contain six indoor tennis courts along with associated paved parking and driveway areas on a 5.43 acre parcel on the southern extension of Ramland Road. The site is located to the east of an existing offsite building and will use the driveway of that building for access to the site. Site topography generally slopes downward from east to west. A small stream flows through the southerly part of the site also from east to west. The Applicant further proposes to provide two open detention basins and onsite storm sewers. In the Drainage Consultant's previous review letter dated October 25, 2008, the Consultant noted that the Applicant had not satisfied several conditions of acceptance for drainage. Upon review of the current submittal consisting of revised swale calculations (dated October 5, 2008), Drawing SP-2 (last revised October 8, 2008), Drawing SP-5 (last revised October 10, 2008), the Consultant found that all but the following conditions have been satisfied:

- The Applicant must provide and obtain approval of a Mosquito Breeding Prevention Plan from the Rockland County Department of health.
- Catch basin CB-3 is located at the 100-ft contour and has a grate elevation and swale elevation of 100.0. This means that the depth of swale at this point is "zero". The Grate should be set at EI 99.0 and the catch basin should be moved about 5-ft to the east. This will provide a swale depth of 1.0-ft at this point and should prevent runoff flows from jumping the swale.

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

**13.** 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.

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**14.** 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.

**15.** 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

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

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

**18. 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.

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**Continuation of Condition #18....**

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  $\frac{3}{4}$  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.

**19.** 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.

**20.** 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.

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

**22.** 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



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**Continuation of Condition #22....**

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).

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

**24.** 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

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

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, nay, Jeffrey Golda, absent and Kevin Garvey, aye.

**DECISION: In view of the foregoing and the testimony before the Board, the application was GRANTED A CONDITIONAL USE PERMIT, subject to Final Site Development Plan Approval and any conditions thereof. The Board made the following Findings and Comments:**

The proposed use, size and character is in harmony with the development in the district in which it is proposed to be situated and will not be detrimental to the zoning classification of such properties.

The proposed location and size of the use, nature and intensity of operations involved, and the site layout in relation to access streets will not be hazardous to pedestrian or vehicular traffic.

The proposed location and height of the building and landscaping will not hinder or discourage development or use of adjacent land and buildings.

The proposed use will not require additional public services or create fiscal burdens upon the Town of Orangetown greater than those which characterize uses permitted by right.

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

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

**Dated: December 10, 2008** \_\_\_\_\_

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

**PB #08-64: TOWN OF ORANGETOWN PLANNING BOARD DECISION**

**Orangeburg Chase Bank Resubdivision Plan; Final Approval Subject to Conditions and Reaffirmation of SEQRA**

**December 10, 2008**

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TO: Ira Emanuel, Esq., 4 Laurel Road, New City, New York, 10956

FROM: Orangetown Planning Board

RE: **Orangeburg Chase Bank Resubdivision Plan:** The application of JP Morgan Chase Bank, N.A., applicant, for Johnson Kirchner Holdings, LLC, owner, for Final Resubdivision Plan Review and Reaffirmation of SEQRA for a site to be known as "**Orangeburg Chase Bank 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 333 Route 303, Orangeburg, Town of Orangetown, Rockland County, New York and as shown on the Orangetown Tax Map as Section 74.11, Block 2, Lots 51 & 52 in the CC zoning district.

Heard by the Planning Board of the Town of Orangetown at meetings held **Wednesday, November 12 & December 10, 2008**, at which time the Board made the following determinations.

**November 12, 2008**

Ira Emanuel, Jason Tuvel and Paul Anderson appeared and testified for the applicant.

The Board received the following communications:

1. Project Review Committee Report dated November 5, 2008.
2. An interdepartmental memorandum signed by John Giardiello, P.E., Director of the Office of Building, Zoning and Planning Administration and Enforcement, Town of Orangetown, dated November 12, 2008.
3. An interdepartmental memorandum signed by Bruce Peters, P.E., Department of Environmental Management and Engineering (DEME), Town of Orangetown, dated November 6, 2008.
4. A letter from the Rockland County Department of Planning, signed by Salvatore Corallo, Commissioner, dated November 12, 2008.
5. A Narrative prepared by the applicant dated September 25, 2008.
6. PB #06-88, Preliminary Resubdivision and Site Plan Approval Subject to Conditions, dated December 13, 2006 and ACABOR #07-16, Approved Subject to Conditions, dated February 20, 2007.
7. Resubdivision Plan prepared by David H. Smith, PLS, dated September 27, 2005

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The Board reviewed the plans.  
The hearing was then opened to the Public.

The applicant requested a **CONTINATION** in order to fulfill the requests of the Board and obtain a **Reaffirmation of SEQRA**.

**December 10, 2008**

Ira Emanuel, Jason Tuvel and Paul Anderson appeared and testified for the applicant.

The Board received the following communications:

1. Project Review Committee Report dated December 3, 2008.
2. An interdepartmental memorandum signed by John Giardiello, P.E., Director of the Office of Building, Zoning and Planning Administration and Enforcement, Town of Orangetown, dated December 10, 2008.
3. A letter from the Rockland County Sewer District #1, signed by Joseph LaFiandra, Engineer II, dated December 2, 2008.
4. A letter from Rockland County Highway Department, signed by Joseph Arena, Senior Engineering Technician, dated November 17, 2008.
5. A letter from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated November 18, 2008.
6. A letter from the New York State Department of Transportation, signed by Mary Jo Russo, dated November 17, 2008.
7. A letter from the Town of Orangetown Zoning Board of Appeals, signed by William Mowerson, Chairman, dated November 19, 2008.

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

**Reaffirmation of SEQRA:**

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

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

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

On motion by Bruce Bond and seconded by Kevin Garvey and carried as follows: Bruce Bond, aye; Anthony Iurica, aye; Robert Dell, aye; John Foody, aye; William Young, absent; Jeffrey Golda, absent; 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 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 previous Board Decisions: PB #06-88, Preliminary Resubdivision and Site Plan Approval Subject to Conditions, dated December 13, 2006 and ACABOR #07-16, Approved Subject to Conditions, dated February 20, 2007.

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4. The metes and bounds for all existing easements, as well as ownership, shall be labeled on the plan.
5. The existing sanitary sewer building connection for the gas station shall be shown on the plan, including all inverts.
6. Iron pins shall be drawn and labeled at each property corner.
7. A review shall be completed by the Rockland County Department of Health, including the removal of underground tank and any potential need for clean up of the gas station site, and any required permits obtained.
8. The landscaping plan shall be revised to designate the location of the 25 foot wide vegetated buffer containing minimum six feet high plant materials that is required by the Route 303 Overlay Zone. The proposed plan neither meets the buffer width requirements nor the planting design requirements and must be revised.
9. The Town shall be satisfied that all applicable portions of the Route 303 Overlay Zone requirements have been met.
10. The lighting plan shall be revised so that no light will spill into the Route 303 right of way.
11. Any signs that may be proposed shall conform to the Town's sign standards.
12. 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.
13. The fire department connections shall be designated on the Site Plan and kept clear for easy access by the emergency response vehicles.
14. 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.
15. A permit will be required from the Rockland County Drainage Agency. In addition, the plat must be reviewed and signed by the Chairman of the Drainage Agency before it can be accepted by the Rockland County Clerk for filing.
16. If any public water supply improvements are required, engineering plans and specification for these improvements shall be reviewed by the Rockland County Department of Health, prior to construction. In order to complete an application for approval of plans for public water supply improvements, the water supplier must supply an engineer's report pursuant to the "Recommended Standards for Water Works, 2003 Edition," that certifies their ability to serve the proposed project while meeting the criteria contained within the Recommended Standards for Water Works. These standards are adopted in their entirety in 10 NYCRR, Subpart 5-1, the New York State regulations governing public water systems. Both the application and supporting engineer's report must be signed and stamped by a NYS licensed professional engineer and shall be accompanied by a completed NYS Department of Health Form 348, which must be signed by the public water supplier.

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

**18.** 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).

**19.** The Rockland County Department of Health (RCDOH) provided that 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.

**20.** The Drainage Consultant to the Planning Board recommends acceptance for drainage subject to the following: The Applicant proposes to re-subdivide two parcels into a single 1.32 acre lot on the east side of Route 303 south of the intersection with Kings Highway in Orangeburg. The Applicant further proposes to develop the resubdivided site. The southerly parcel contains an existing abandoned gas station that is to be removed and replaced with a new bank building and associated paved driveways and parking areas. The northerly parcel contains an existing bank building and paved driveways and parking areas that are to be removed and replaced with a new paved parking area and associated driveways. Two new on-site storm drainage systems will be constructed and connected to the existing off-site drainage systems. Revised drainage calculations have been provided.

The calculations indicate that the impervious surface coverage of the site will be reduced from 65.2% to 57.8%. The peak runoff rates from the developed site will be reduced accordingly and the Applicant will have satisfied the zero net increase in runoff rate requirement.

In the Drainage Consultant's previous review letter dated November 22, 2006, it is recommended acceptance for drainage subject to several conditions, the following of which have not been satisfied:

Provide construction details for the proposed stormwater structures (catch basins, field inlets, drainage manholes, etc).

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**Continuation of Condition #20....**

The plans show a roof drain connection detail to an 8-in perimeter drain around the proposed building (Drawing SP-9). This perimeter drain shall be shown on the utility plan (Drawing SP-4) and must show to which catch basin it will be connected to. This must be consistent with the drainage calculations

The drainage calculations indicate that the total runoff rate from the developed 1.3229 acre site under a 100-year storm (8.5CFS) will be less than that from the existing site (8.8CFS). However, the calculations must also demonstrate that the peak 100-year runoff rate into each of the two existing storm sewers does not exceed the peak 100-year runoff rate to each system under existing conditions.

The calculations provide a pipe sizing calculation for a 25-year storm for the two proposed storm sewer systems. The calculation must be revised to a 100-year storm.

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

- Town of Orangetown Zoning Board of Appeals
- New York State Department of Transportation
- Rockland County Health Department
- Rockland County Department of Highways
- Rockland County Department of Planning
- Rockland County Sewer District #1

**22. The Rockland County Sewer District #1 (District) reviewed the plan last revised on September 19, 2008 and provided the following comments:**

The District maintains a 42" sewer in an easement on Lot 74.11-2-52/

a. Drawing SP-2 (Grading and Utility Plan) indicates that the diameter of the District sewer in the easement is 36". Please revised the plan to reflect the actual 42: diameter.

b. The District must approve any construction to be done within the District easements. (place this as a note on the subdivision plan)



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**Continuation of Condition #22....**

c. No permanent structures may be built within the District easements. (place this as a note on the subdivision plan)

d. If any foundation work or other types of major excavation work is to be done within close proximity to the easement boundary, the District must be notified forty-eight (48) hours in advance. Shoring or other types of precautions may be needed to protect the sewer main. The property owner must also pay these expenses. (place this as a note on the subdivision plan)

e. To prevent any damage from occurring to the existing main, the District must be notified when the land within the easement is to be modified. This includes but is not limited to regarding, raising or lowering of manhole frames, or working close proximity to sewers and manholes within the easement. (place this as a note on the subdivision plan)

f. The contractor must obtain required insurance and sign a waiver to defend, indemnify, save and hold harmless both the County of Rockland and Rockland County Sewer District No. 1 from any claims arising from work performed within it's easement. (place this as a note on the subdivision plan)

Drawing SP-4 indicates that the existing sewer connection from Lot 74.11-2-52 ties into the District's 48" sewer on Kings Highway. However, District records show a 4" sewer connection on the east side of the lot. The drawing is not clear as to whether the sewer connection ties into the 24" Orangetown sewer or the 48" District sewer. The consulting engineer shall coordinate with the Orangetown DEME to verify the status of the sewer connection. If further investigation reveals that the sewer connection ties into the District's sewer, the District must be notified.

Any sewer connection proposed to be abandoned must be plugged between the edge of the right of way and the curb line with a permanent watertight plug or cap.

**23.** The following note shall be placed on the subdivision 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:

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**Continuation of Condition #23....**

- 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.
  - 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.
- 24.** The applicant shall comply with all pertinent and applicable items in the Guide to the Preparation of Subdivision Plan prior to signing the final plans.
- 25.** All reviews and approvals from various governmental agencies must be obtained prior to stamping of the Subdivision Plan.
- 26.** All landscaping shown on the subdivision plans shall be maintained in a vigorous growing condition throughout the duration of the use of this site. Any plants not so maintained shall be replaced with new plants at the beginning of the next immediately following growing season.
- 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.

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**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 Bruce Bond seconded by Anthony Iurica and carried as follows: Bruce Bond, aye; Anthony Iurica, aye; William Young, absent; John Foody, aye; Robert Dell, aye, Jeffrey Golda, absent 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 10, 2008** \_\_\_\_\_

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

**PB #08-65: TOWN OF ORANGETOWN PLANNING BOARD DECISION**

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TO: Ira Emanuel, Esq., 4 Laurel Road, New City, New York, 10956  
FROM: Orangetown Planning Board  
RE: **Orangeburg Chase Bank Site Plan:** The application of JP Morgan Chase Bank, N.A., applicant, for Johnson Kirchner Holdings, LLC, owner, for Amendment to Preliminary and Reaffirmation of SEQRA for a site to be known as "**Orangeburg Chase Bank 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 333 Route 303, Orangeburg, Town of Orangetown, Rockland County, New York and as shown on the Orangetown Tax Map as Section 74.11, Block 2, Lots 51 & 52 in the CC zoning district.

Heard by the Planning Board of the Town of Orangetown at meetings held **Wednesday, November 12 & December 10, 2008**, at which time the Board made the following determinations.

**November 12, 2008**

Ira Emanuel, Jason Tuvel and Paul Anderson appeared and testified for the applicant.

The Board received the following communications:

1. Project Review Committee Report dated November 5, 2008.
2. An interdepartmental memorandum signed by John Giardiello, P.E., Director of the Office of Building, Zoning and Planning Administration and Enforcement, Town of Orangetown, dated November 12, 2008.
3. An interdepartmental memorandum signed by Bruce Peters, P.E., Department of Environmental Management and Engineering (DEME), Town of Orangetown, dated November 6, 2008.
4. A letter from HDR signed by Harvey Goldberg, P.E., dated October 16, 2008.
5. Letter from the Rockland County Department of Planning, signed by Salvatore Corallo, Commissioner, dated November 12, 2008.
6. A letter from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated October 9, 2008.
7. A letter from the New York State Department of Transportation, signed by Mary Jo Russo, dated October 14, 2008.
8. A Narrative prepared by the applicant dated September 25, 2008.
9. PB #06-88, Preliminary Resubdivision and Site Plan Approval Subject to Conditions, dated December 13, 2006 and ACABOR #07-16, Approved Subject to Conditions, dated February 20, 2007.
10. Resubdivision Plan prepared by David H. Smith, PLS, dated September 27, 2005

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11. A Drainage Report prepared by Pennoni Engineering of New York, PC, dated July 10, 2006, revised September 23 2008.

12. Site Plans prepared by Toto & Vujinovic Architects, dated August 4, 2006, last revised September 19, 2008, unless noted:

SP-1: Cover Sheet

SP-2: Existing Conditions and Removal Plan, revised September 3, 2008

SP-3: Site Layout Plan

SP-4: Grading and Utility Plan

SP-5: Landscape Plan

SP-6: Lighting Plan

SP-7: Soil Erosion and Sediment Control Plan

SP-8: Construction Details

SP-9: Construction Details, revised September 3, 2008

SP-10: Construction Details

SP-11: Construction Details

The Board reviewed the plans.

The hearing was then opened to the Public.

The applicant requested a **CONTINUATION** in order to fulfill the requests of the Board and obtain a **Reaffirmation of SEQRA**.

**December 10, 2008**

Ira Emanuel, Jason Tuvel and Paul Anderson appeared and testified for the applicant.

The Board received the following communications:

1. Project Review Committee Report dated December 3, 2008, with an attachment of a letter signed by Ira M. Emanuel, dated November 26, 2008..
2. An interdepartmental memorandum signed by John Giardiello, P.E., Director of the Office of Building, Zoning and Planning Administration and Enforcement, Town of Orangetown, dated December 10, 2008.
3. A letter from Rockland County Highway Department, signed by Joseph Arena, Senior Engineering Technician, dated November 17, 2008.
4. A letter signed by Ira M. Emanuel, dated November 26, 2008.

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5. A letter from the Rockland County Sewer District #1, signed by Joseph LaFiandra, Engineer II, dated December 2, 2008.
6. A letter from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated November 18, 2008.
7. A letter from the Rockland County Department of Planning, signed by Eileen Miller, dated November 17, 2008.
8. A letter from the Town of Orangetown Zoning Board of Appeals, signed by William Mowerson, Chairman, dated December 3, 2008.

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

**Reaffirmation of SEQRA:**

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

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

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

On motion by Bruce Bond and seconded by Kevin Garvey and carried as follows: Bruce Bond, aye; Anthony Iurica, aye; Robert Dell, aye; John Foody, aye; William Young, absent; Jeffrey Golda, absent; 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 Amendment to Preliminary Approval Subject to 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. 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 previous Board Decisions: PB #06-88, Preliminary Resubdivision and Site Plan Approval Subject to Conditions, dated December 13, 2006 and ACABOR #07-16, Approved Subject to Conditions, dated February 20, 2007.

**PB #08-65: TOWN OF ORANGETOWN PLANNING BOARD DECISION**

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4. The Variances need to be sought from the Town of Orangetown Zoning Board of Appeals will be confirmed by the Town of Orangetown Office of Building, Zoning and Planning Administration and Enforcement. **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).**
5. An easement shall be granted to lot #74.11/2/50.
6. Metes and bounds/ownership for all existing easements shall be shown on the Site Plan.
7. Iron Pins shall be noted at all lot corners.
8. The applicant is reminded that the proposed sanitary lines “tie” into the Rockland County Sewer District #1 system. Therefore, the applicant must obtain a recommendation from DEMA and approvals from the Town of Orangetown Town Board and the Rockland County Board of Sewer Commissioners to qualify for “Out of District” sewer use status, from the Rockland County Sewer District #1.
9. The Drainage Consultant to the Planning Board recommends acceptance for drainage subject to the following: The Applicant proposes to re-subdivide two parcels into a single 1.32 acre lot on the east side of Route 303 south of the intersection with Kings Highway in Orangeburg. The Applicant further proposes to develop the resubdivided site. The southerly parcel contains an existing abandoned gas station that is to be removed and replaced with a new bank building and associated paved driveways and parking areas. The northerly parcel contains an existing bank building and paved driveways and parking areas that are to be removed and replaced with a new paved parking area and associated driveways. Two new on-site storm drainage systems will be constructed and connected to the existing off-site drainage systems. Revised drainage calculations have been provided.

The calculations indicate that the impervious surface coverage of the site will be reduced from 65.2% to 57.8%. The peak runoff rates from the developed site will be reduced accordingly and the Applicant will have satisfied the zero net increase in runoff rate requirement.

In the Drainage Consultant’s previous review letter dated November 22, 2006, it is recommended acceptance for drainage subject to several conditions, the following of which have not been satisfied:



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**Continuation of Condition #9.....**

Provide construction details for the proposed stormwater structures (catch basins, field inlets, drainage manholes, etc).

The plans show a roof drain connection detail to an 8-in perimeter drain around the proposed building (Drawing SP-9). This perimeter drain shall be shown on the utility plan (Drawing SP-4) and must show to which catch basin it will be connected to. This must be consistent with the drainage calculations

The drainage calculations indicate that the total runoff rate from the developed 1.3229 acre site under a 100-year storm (8.5CFS) will be less than that from the existing site (8.8CFS). However, the calculations must also demonstrate that the peak 100-year runoff rate into each of the two existing storm sewers does not exceed the peak 100-year runoff rate to each system under existing conditions.

The calculations provide a pipe sizing calculation for a 25-year storm for the two proposed storm sewer systems. The calculation must be revised to a 100-year storm.

- 10.** A review shall be completed by the Rockland County Department of Health, including the removal of underground tank and any potential need for clean up of the gas station site, and any required permits obtained.
- 11.** The applicant shall make application to the Town of Orangetown Zoning Board of Appeals for the Route 303 Overlay Buffer Zone requirement.
- 12.** The Town shall be satisfied that all applicable portions of the Route 303 Overlay Zone requirements have been met.
- 13.** The lighting plan shall be revised so that no light will spill into the Route 303 right of way.
- 14.** Any signs that may be proposed shall conform to the Town's sign standards.

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15. 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.

16. The fire department connections shall be designated on the Site Plan and kept clear for easy access by the emergency response vehicles.

17. 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.

18. A permit will be required from the Rockland County Drainage Agency. In addition, the plat must be reviewed and signed by the Chairman of the Drainage Agency before it can be accepted by the Rockland County Clerk for filing.

19. If any public water supply improvements are required, engineering plans and specification for these improvements shall be reviewed by the Rockland County Department of Health, prior to construction. In order to complete an application for approval of plans for public water supply improvements, the water supplier must supply an engineer's report pursuant to the "Recommended Standards for Water Works, 2003 Edition," that certifies their ability to serve the proposed project while meeting the criteria contained within the Recommended Standards for Water Works. These standards are adopted in their entirety in 10 NYCRR, Subpart 5-1, the New York State regulations governing public water systems. Both the application and supporting engineer's report must be signed and stamped by a NYS licensed professional engineer and shall be accompanied by a completed NYS Department of Health Form 348, which must be signed by the public water supplier.

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

**21. 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).**

22. The Rockland County Department of Health (RCDOH) provided that following comment: The proposed stormwater management system will need to be reviewed against Article XIX – Mosquito Control of the Rockland County Sanitary Code. Applicant's engineer shall contact Brian Hunderfurd at RCDOH.

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**23.** The New York State Department of Transportation (NYSDOT) has reviewed the plans and agrees with the proposed driveway layout. The plans meet the requirements discussed at the Meeting of March 12, 2008 at Orangetown Town Hall and access to the neighboring plaza has been provided. NYSDOT comments are as follows:

- 1) NYSDOT holds that a two lane egress would reduce additional delays to the signal.
- 2) The signal plan shall be submitted with a revised SYNCRO study based on the proposed design.
- 3) All sidewalks shall be five feet in width and shall meet the Route 303 crosswalk. All pedestrian ramps crossing Route 303 shall meet ADA standards.
- 4) The stop sign shall be removed from the Route 303 access.
- 5) The plans shall reference the nearest highway mile marker.
- 6) The landscape plans shall be reviewed by the region. Any further comments will be forwarded to NYSDOT upon receipt.
- 7) All signs for Chase Bank must be placed 15 feet behind the right of way and shall be shown on the plans for approval.

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

- Town of Orangetown Zoning Board of Appeals
- New York State Department of Transportation
- Rockland County Health Department
- Rockland County Department of Highways
- Rockland County Department of Planning
- Rockland County Sewer District #1

**25.** The Rockland County Sewer District #1 (District) reviewed the Site Plan last revised on September 19, 2008 and provided the following comments:

The District maintains a 42" sewer in an easement on Lot 74.11-2-52/

- a. Drawing SP-2 (Grading and Utility Plan) indicates that the diameter of the District sewer in the easement is 36". Please revised the plan to reflect the actual 42: diameter.

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**Continuation of Condition #25.....**

b. The District must approve any construction to be done within the District easements. (place this as a note on the site plan)

c. No permanent structures may be built within the District easements. (place this as a note on the site plan)

d. If any foundation work or other types of major excavation work is to be done within close proximity to the easement boundary, the District must be notified forty-eight (48) hours in advance. Shoring or other types of precautions may be needed to protect the sewer main. The property owner must also pay these expenses. (place this as a note on the site plan)

e. To prevent any damage from occurring to the existing main, the District must be notified when the land within the easement is to be modified. This includes but is not limited to regarding, raising or lowering of manhole frames, or working close proximity to sewers and manholes within the easement. (place this as a note on the site plan)

f. The contractor must obtain required insurance and sign a waiver to defend, indemnify, save and hold harmless both the County of Rockland and Rockland County Sewer District No. 1 from any claims arising from work performed within it's easement. (place this as a note on the site plan)

Drawing SP-4 indicates that the existing sewer connection from Lot 74.11-2-52 ties into the District's 48" sewer on Kings Highway. However, District records show a 4" sewer connection on the east side of the lot. The drawing is not clear as to whether the sewer connection ties into the 24" Orangetown sewer or the 48" District sewer. The consulting engineer shall coordinate with the Orangetown DEME to verify the status of the sewer connection. If further investigation reveals that the sewer connection ties into the District's sewer, the District must be notified.

Any sewer connection proposed to be abandoned must be plugged between the edge of the right of way and the curb line with a permanent watertight plug or cap.

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**26.** 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.

**27.** 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.

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

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

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**30.** 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.

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

**32.** 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).

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

**34.** 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

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

**36.** The amendments made to the Site Plan at the requirements of the New York State Department of Transportation for exist/entrances are minor in nature and referral back to ACABOR is not necessary.

**Orangeburg Chase Bank Site Plan; Amendment to Preliminary Approval  
Subject to Conditions/ Affirmation of SEQRA  
December 10, 2008  
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**Override:**

The Board made a motion to override Conditions #3 of the letter dated November 12, 2008, from the Rockland County Department of Planning, signed by Salvatore Corallo, Commissioner of Planning, for the following reasons:

**“#3.** The landscaping plan shall be revised to designate the location of the 25 foot wide vegetated buffer containing minimum six feet high plant materials that is required by the Route 303 Overlay Zone. The proposed plan neither meets the buffer width requirements nor the planting design requirements and must be revised.”

The Board held that the applicant was seeking permission from the Town of Orangetown Zoning Board of Appeals to enter into the Buffer. A motion to override the condition was made and moved by Bruce Bond and seconded by Kevin Garvey and carried as follows: Robert Dell, aye; Kevin Garvey, aye; Bruce Bond, aye; Anthony Iurica, aye; Jeffrey Golda, absent; William Young, absent and John Foody, aye.

The foregoing Resolution was made and moved by Bruce Bond seconded by John Foody and carried as follows: Bruce Bond, aye; Anthony Iurica, aye; William Young, absent; John Foody, aye; Robert Dell, aye, Jeffrey Golda, absent 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 10, 2008** \_\_\_\_\_

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

**PB #08-67- TOWN OF ORANGETOWN PLANNING BOARD CONSULTATION  
Mapleshade Landscaping Site Plan - Consultation**

**December 10, 2008**

**Page 1 of 2**

TO: Matthew Fierman, 9 Hickory Drive, New City, New York 10956  
FROM: Orangetown Planning Board  
RE: The application of **Mapleshade Landscaping, Inc.**, applicant, for Deborah and Jack Becker, owners, for Consultation, for a Site Plan Review at a site to be known as "Mapleshade Landscaping, Inc. 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 11 School House Lane, Orangeburg, Town of Orangetown, Rockland County, New York and as shown on the Orangetown Tax Map as Section 74.07, Block 1, Lot 29 in the LI zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **December 10, 2008**, at which time the Board made the following determinations:

Matthew Fierman and Eugene Principe appeared and testified.

The Board received the following communications:

1. A Project Review Report dated December 3, 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 December 10, 2008.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering, (DEME) Town of Orangetown, signed by Bruce Peters, P.E., dated December 5, 2008.
4. A letter signed by Matthew Fierman, President, Mapleshade Landscaping, Inc. dated October 17, 2008, with attachments.

**The Board reviewed the plan.**

**CONSULTATION: In view of the foregoing and the testimony before the Board, the application was PROVIDED WITH THE FOLLOWING COMMENTS:**



**PB #08-67- TOWN OF ORANGETOWN PLANNING BOARD CONSULTATION  
Mapleshade Landscaping Site Plan - Consultation**

**December 10, 2008**

**Page 2 of 2**

1. An LI zone District allows service establishments similar to the proposed use. A Zoning Board of Appeals interpretation for the proposed use will have to be sought to confirm the proposed use as an agricultural use.
2. It appears several Zoning Board of Appeals variances will need to be sought based on the yard setbacks required under the Zone District LI, Group QQ.
3. A proper Site Plan that conforms to Section 21 of the Town of Orangetown Code Book – Land Development Regulations, shall be provided for review.
4. The proposed parking area shall be paved, not gravel, in order to capture and contain any contaminants that may leak from the proposed outdoor storage of vehicles and equipment.
5. An Oil water separator or similar device shall be designed to capture and treat runoff from the proposed parking area, in addition to the required storage of stormwater runoff.
6. 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.”
7. 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.
8. The applicant shall comply with all pertinent items in the Guide to the Preparation of Site Plans prior to signing the final plans.
9. All reviews and approvals from various governmental agencies must be obtained prior to stamping of the Site Plan.

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

**Dated: December 10, 2008** \_\_\_\_\_

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

**PB #08-68- TOWN OF ORANGETOWN PLANNING BOARD DECISION;  
Steinmetz Site Plan; Final Site Plan Approval Subject to Conditions; Critical  
Environmental Area**

**December 10, 2008**

**Page 1 of 6**

TO: Karen & Donald Steinmetz; 1020 Route 9W; Nyack, NY 10960  
FROM: Orangetown Planning Board  
RE: The application of Karen & Donald Steinmetz, owners for Final Site Plan Review to construct an addition to an existing dwelling, at a Site known as "**Steinmetz Site Plan**", located in the Critical Environmental Area, in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21A of the Code of the Town of Orangetown. The site is located at 1020 Route 9W in Upper Grandview, Town of Orangetown, Rockland County, New York and as shown on the Orangetown Tax Map as Section 71.09, Block 1, Lot 32 in the R-22 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **December 10, 2008**, at which time the Board made the following determinations:

Jonathan Foster, Karen and Donald Steinmetz appeared and testified.

The Board received the following communications:

1. A Project Review Report dated December 3, 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 December 10, 2008.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering, (DEME) Town of Orangetown, signed by Bruce Peters, P.E., dated December 5, 2008.
4. A letter from HDR signed by Harvey Goldberg, P.E., dated November 30, 2008.
5. A letter from the Rockland County Department of Planning, signed by Salvatore Corallo, Commissioner of Planning, dated December 3, 2008.
6. A letter from Rockland County Department of Highways, signed by Joseph Arena, Principal Engineering Technician, dated October 29, 2008.

**PB #08-68- TOWN OF ORANGETOWN PLANNING BOARD DECISION;  
Steinmetz Site Plan; Final Site Plan Approval Subject to Conditions; Critical  
Environmental Area**

**December 10, 2008**

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7. A letter from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated October 24, 2008.

8. PB #07-70, Preliminary Site Plan Approval Subject to Conditions, dated December 12, 2007, ZBA #08-37, Street Frontage, Rear Yard and Building Height Variances Approved, dated April 16, 2008, and ACABOR #08-40, Approved with Conditions, dated September 23, 2008.

9. Plans prepared by Brooker Engineering dated August 10, 2006, revised July 31, 2008:

Drawing 1: Title

Drawing 2: Site Plan

Drawing 3: Grading, Drainage and Soil Erosion Control Plan

Drawing 4: Details

10. A letter from Brooker Engineering signed by Kenneth DeGennaro, P.E., to HDR, Harvey Goldberg, P.E., dated November 24, 2008, with attachments of drainage calculations.

The hearing was then opened to the Public. There being no one to be heard from the Public, a motion was made to close the Public Hearing portion of the meeting by Bruce Bond and seconded by Kevin Garvey and carried as follows:

Bruce Bond, aye; Anthony Iurica, aye; John Foody, aye; William Young, absent; Robert Dell, aye; Jeffrey Golda, absent 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 applicant shall comply with all pertinent and applicable previous Board Decisions: PB #07-70, Preliminary Site Plan Approval Subject to Conditions, dated December 12, 2007, ZBA #08-37, Street Frontage, Rear Yard and Building Height Variances Approved, dated April 16, 2008, and ACABOR #08-40, Approved with Conditions, dated September 23, 2008.

2. 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 #08-68- TOWN OF ORANGETOWN PLANNING BOARD DECISION;  
Steinmetz Site Plan; Final Site Plan Approval Subject to Conditions; Critical  
Environmental Area**

**December 10, 2008**

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3. 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.
4. No site disturbance within five feet of the property line. The wall shall be moved to meet this requirement.
5. Based on the amended Site Plan under review for Final Site Plan, Condition #10 of Preliminary Approval; # PB #07-70, dated December 12, 2007 is no longer a condition of approval and shall be deleted:  
    "#10. The entire driveway shall be paved."
6. The applicant indicated that there is an existing driveway that they are willing to restore and reconfigure. The applicant noted that due to the reuse of the existing driveway on the site, there will be reduction of the proposed driveway area. The restored and reconfigured driveway shall be noted on the Site Plan.
7. The Drainage Consultant to the Planning Board had the following comments: In accordance with your request, we have reviewed the subject Site Plan with respect to drainage and submit the following findings:  
The site is located on the west side of Route 9W immediately north of Treeline Terrace. Access to this parcel is from Route 9W and will not change. The Applicant proposes to construct a building addition to an existing dwelling and to construct a new detached garage.  
The Applicant further proposes to reconfigure and expand the existing driveway. A 6-ft diameter by 5-ft deep drywell in an 11-ft square stone surround is proposed for drainage. Drainage calculations have been provided.  
Upon review of the current submittal consisting of revised drainage calculations (dated November 24, 2008) and Drawings 1-4 (last revised July 31, 2008), we find that the Applicant has revised his plan to include the proposed new garage and has reduced the extent of the proposed driveway.

In our previous review letter dated November 17, 2007, we recommended acceptance for drainage subject to several conditions that have been satisfied. However, the revised plan has led to the following additional conditions:

- Provide a clean-out (C.O.) at each change in direction for the roof drains and indicate these clean-outs on the plans. Provide a Clean-Out Detail on the plans.
- Additional conditions may be added based on the revised plans to be provided.

**PB #08-68- TOWN OF ORANGETOWN PLANNING BOARD DECISION;  
Steinmetz Site Plan; Final Site Plan Approval Subject to Conditions; Critical  
Environmental Area**

**December 10, 2008**

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8. The Rockland County Department of Highways reviewed the plans and offered the following comments:

Based upon the site plan as shown, the proposed project will have no foreseeable adverse impact upon county roads in the area.

The applicant shall be aware of any and all existing water sources and water courses that may exist traveling from west to east through this parcel to prevent any potential drainage problems that may be created to the existing dwelling, roadways and parcels in close proximity to this parcel.

9. The Rockland County Department of Health (RCDOH) provided that following comment: The proposed stormwater management system will need to be reviewed against Article XIX – Mosquito Control of the Rockland County Sanitary Code. Applicant's engineer shall contact Brian Hunderfurd at RCDOH.

10. There shall be no net increase in storm water runoff from the site.

11. 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.

12. A profile of the entire driveway (existing and proposed) shall be provided.

13. The drainage calculations are currently under review by DEME.

14. Based upon the Rockland County Drainage Agency's (RCDA) evaluation of available mapping and the information submitted, it has been determined that the proposed activity is outside the jurisdiction of the RCDA. Therefore, a permit from the RCDA pursuant to Chapter 846, Rockland County Stream Control Act, is not requested based upon its review of the information provided.

15. 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.

**PB #08-68- TOWN OF ORANGETOWN PLANNING BOARD DECISION;  
Steinmetz Site Plan; Final Site Plan Approval Subject to Conditions; Critical  
Environmental Area**

**December 10, 2008  
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**Continuation of Condition #17.....**

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.

**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.

**PB #08-68- TOWN OF ORANGETOWN PLANNING BOARD DECISION;  
Steinmetz Site Plan; Final Site Plan Approval Subject to Conditions; Critical  
Environmental Area**

**December 10, 2008  
Page 6 of 6**

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

The foregoing Resolution was made and moved by Bruce Bond and second by Kevin Garvey and carried as follows: Bruce Bond, aye; Anthony Iurica, aye; William Young, absent; John Foody, aye; Robert Dell, aye; Jeffrey Golda, absent 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 10, 2008** \_\_\_\_\_

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

**PB #08-69- TOWN OF ORANGETOWN PLANNING BOARD DECISION;  
Pierce Park Subdivision – Recommendation to the Town Board to Release  
the Performance Bond  
December 10, 2008  
Page 1 of 2**

TO: Donald Brenner, 4 Independence Avenue, Tappan, NY  
FROM: Orangetown Planning Board

The application of Donald Brenner, applicant, for a Recommendation to the Town Board to Release the Performance Bond for the **Pierce Park Subdivision Plan**, in the Amount of \$98,750.00, in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown and Chapter 21 of the Code of the Town of Orangetown. The site is located at Renie Lane, Blauvelt, Town of Orangetown, Rockland County, New York and shown on the Orangetown Tax Map as Section 70.13, Block 2, Lot 13 in the R-15 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, December 10, 2008**, at which time the Board made the following determination:

Donald Brenner appeared and testified for the applicant.

The Board received the following communications:

1. PRC Report dated December 3, 2008.
2. An interdepartmental memorandum signed by John Giardiello, P.E., Director of the Office of Building, Zoning and Planning Administration and Enforcement, Town of Orangetown, dated December 10, 2008.
3. An interdepartmental memorandum signed by Ronald Delo, P.E. BCEE, Director, Town of Orangetown Department of Environmental Management, dated November 4, 2008.
4. PB #06-51, Recommendation to the Town Board to Establish the Performance Bond, dated June 28, 2006.

The Board discussed the Release of the Performance Bond.

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



**Pierce Park Subdivision – Recommendation to the Town Board to Release  
the Performance Bond  
December 10, 2008  
Page 2 of 2**

**RECOMMENDATION:** In view of the foregoing, the Board **RECOMMENDED** to the Town Board to **RELEASE** the Pierce Park Subdivision Performance Bond.

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; Jeffrey Golda, absent; Robert Dell, aye and Kevin Garvey, aye.

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

**Dated: December 10, 2008** \_\_\_\_\_

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

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

**PB #08-64- TOWN OF ORANGETOWN PLANNING BOARD DECISION;  
Orangeburg Chase Bank Resubdivision Plan; Final Approval Subject to  
Conditions/ Reaffirmation of Neg. Dec.  
December 10, 2008**

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 Chase Bank Final Resubdivision Plan Review and Reaffirmation of Neg. Dec.

SEQR STATUS: Type I \_\_\_\_\_  
Unlisted XXXXXX

CONDITIONED NEGATIVE DECLARATION: Yes \_\_\_\_\_  
No XXXXXX

**DESCRIPTION OF ACTION:** Final Resubdivision Plan Approval Subject to Conditions/ Reaffirmation of Neg. Dec.

**LOCATION:** The site is located at 333 Route 303, Orangeburg, Town of Orangetown, Rockland County, New York and as shown on the Orangetown Tax Map as Section 74.11, Block 2, Lots 51 & 52 in the CC 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

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

**PB #08-65- TOWN OF ORANGETOWN PLANNING BOARD DECISION;  
Orangeburg Chase Bank Site Plan; Amendment to Preliminary Site Plan  
Approval Subject to Condition and Reaffirmation of Neg. Dec.  
December 10, 2008**

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 Chase Bank Amendment to Preliminary Site Plan Approval and Reaffirmation of Neg. Dec.

SEQR STATUS: Type I \_\_\_\_\_  
Unlisted XXXXXX

CONDITIONED NEGATIVE DECLARATION: Yes \_\_\_\_\_  
No XXXXXX

**DESCRIPTION OF ACTION:** Orangeburg Chase Bank Amendment to Preliminary Site Plan Approval and Reaffirmation of Neg. Dec.

**LOCATION:** The site is located at 333 Route 303, Orangeburg, Town of Orangetown, Rockland County, New York and as shown on the Orangetown Tax Map as Section 74.11, Block 2, Lots 51 & 52 in the CC 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