

**TOWN OF ORANGETOWN PLANNING BOARD  
MEETING OF DECEMBER 9, 2009**

**MEMBERS PRESENT:**

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

**MEMBERS ABSENT:** None

**ALSO PRESENT:** John Giardiello, Director, Department of Building, Zoning , Planning Administration and Enforcement; Robert Magrino, Deputy Town Attorney; Richard Pakola, Deputy Town Attorney; Ann Marie Ambrose, Stenographer and 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:

<b>Ash Subdivision Plan</b> Recommendation to the Town Board To Release the Performance Bond 77.14/1/16; R-15 zoning district	<b>Recommend to Town Board</b>	<b>PB #09-57</b>
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**Continued from December 10, 2008 Meeting:**

<b>Ramsay Subdivision Plan</b> Prepreliminary/Preliminary Subdivision Plan & SEQRA Review 77.08/5/33; RG zoning district	<b>Continued: Redesign Layout</b>	<b>PB #08-66</b>
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<b>SMK Tweed Boulevard Site Plan</b> Prepreliminary/Preliminary Site Plan and SEQRA Review/Critical Environmental Area 71.09/1/54; R-22 zoning district	<b>Continued: Redesign Layout</b>	<b>PB #09-62</b>
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<b>Sicketown Woods Subdivision</b> Amendment to Filed Subdivision Plat Detention Basin Relocation 69.08/1/1.1; R-40 zoning district	<b>Amended Filed Subdivision Plat Approved with Conditions</b>	<b>PB #09-63</b>
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<b>Walsh Subdivision Plan</b> Request for 1st 90 Day Extension to File Subdivision Plat with the Rockland County Clerk's Office Reapproved Subdivision Plan 64.20/1/3; R-40 zoning district	<b>Granted 90 Day Extension to File</b>	<b>PB #09- 64</b>
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**Continued from September 30, 2009 Meeting:**

<b>Crestron Electronics Resubdivision Plan</b> Prepreliminary/Preliminary/Final Resubdivision Plan and SEQRA Review 77.05/1/36 & 37; LIO zoning district	<b>Preliminary Approval Subject to Conditions Neg. Dec.</b>	<b>PB #09-10</b>
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**Crestron Electronics Site Plan**  
Prepreliminary/Preliminary Site Plan and  
Conditional Use Permit  
Review and SEQRA  
77.05/1/36 & 37; LIO zoning district

**Continued: Revise PB #09-11  
Site Plan**

**Other Business:** Town Board Referral – Orange & Rockland Utilities Application for Special Permit for Transition Towers.

Tax Map Designation: Section 74.09, Block 2, Lot 2; Corporate Drive Substation.

At the November 23, 2009 Town Board Meeting, the Town Board referred the applicant to the Planning Board for Lead Agency consent and review. At the December 9<sup>th</sup> Meeting, John Collins, James Koza and Anthony Montalbano appeared and testified for the applicant. The Planning Board reviewed the following materials:

Visuals of the site from surrounding areas,

Narrative – Orange and Rockland Utilities Corporate Drive Substation Transmission Structures, signed by Peter T. McGoldrick, P.E.,

Plans entitled Orangeburg Road Transition Yard, prepared by James Koza, P.E., dated November 18, 2009:

Sheet 1 of 4: Title Sheet

Sheet 2 of 4: Layout & Utility

Sheet 3 of 4: Grading & Erosion Control Plan and Details

Sheet 4 of 4: Landscaping Plan and Details,

Full Environmental Assessment Form, dated November 19, 2009, signed by W. Charles Utschig, P.E., and

Drainage Report and Erosion & Sediment Control Maintenance Plan, prepared by CMX, signed by W. Charles Utschig, P.E., dated November, 2009.

At the December 9, 2009 Planning Board Meeting, the Orangetown Planning Board had no objection to the Town Board being Lead Agency on the application of Orange & Rockland Utilities for a Special Permit for Transition Towers.

The Planning Board offered the following recommendation to the Town Board.

**RECOMMENDATION:** The Planning Board found that there will be two Transition Towers enclosed with fencing. The fencing shall be revised to a minimum height of 10 feet with Barbed Wire placed on top of the fencing.

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.

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The decisions of the October 28, 2009 Planning Board Meeting was reviewed, edited and approved. The motion for adoption was made and moved by Kevin Garvey and seconded by Bruce Peters and carried as follows: Robert Dell, aye; Kevin Garvey, aye; Bruce Bond, aye; Jeffrey Golda, aye; John Foody, aye; Andy Stewart, aye and William Young, aye.

Since there was no further business to come before the Board, a motion to adjourn the meeting was made by Kevin Garvey and seconded by William Young and agreed to by all in attendance. The meeting was adjourned at 12:15 a.m.

The next Planning Board meeting is scheduled for January 13, 2010.

**DATED: December 9, 2009**  
Town of Orangetown Planning Board

## **PB #09-57-TOWN OF ORANGETOWN PLANNING BOARD DECISION**

### **Ash Subdivision Plan– Recommendation to the Town Board to Release the Performance Bond**

**December 9, 2009**

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TO: Heritage Equity and Realty, 5 Stanley Place, Spring Valley, New York  
FROM: Orangetown Planning Board  
The application of Raymond Goldstein, Managing Member, for the Recommendation to the Town Board to Release the Performance Bond in the amount of \$73,668.00, at a site known as “**Ash Subdivision**” in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21 of the Code of the Town of Orangetown. The site is located at 14 Main Street, Tappan, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 77.14, Block 1, Lot 16 in the R-15 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, December 9, 2009**, at which time the Board made the following determination:

Michael Schwartz appeared and testified for the applicant.

The Board received the following communications:

1. Project Review Committee Report dated December 2, 2009.
2. Interdepartmental memorandums signed by John Giardiello, P.E., Director of the Office of Building, Zoning and Planning Administration and Enforcement, Town of Orangetown, dated December 9 and October 28, 2009.
3. An interdepartmental memorandum signed by James Dean, Superintendent of Highways, and Ronald Delo, P.E. BCEE, Director, Department of Environmental Management and Engineering, Town of Orangetown, dated November 24, 2009.
4. An interdepartmental memorandum signed by Robert V. Magrino, Deputy Town Attorney, Office of the Town Attorney, Town of Orangetown, dated December 7, 2009.
5. A letter from Heritage Equity & Realty LLC, signed by Raymond Goldstein, Managing Member, dated September 11, 2009.
6. An interdepartmental memorandum signed by James Dean, Superintendent of Highways, Town of Orangetown, dated October 8, 2009.
7. A copy of an interdepartmental memorandum signed by Bruce Peters, P.E., Department of Environmental Management and Engineering, Town of Orangetown, dated May 8, 2006.
8. PB #06-42, Recommendation to the Town Board to Establish the Performance Bond, dated May 24, 2006 and an Amendment to the Decision dated June 30, 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; John Foody, aye; Jeffrey Golda, aye; William Young, aye, Andy Stewart, aye; Robert Dell, aye and Kevin Garvey, aye.

**PB #09-57-TOWN OF ORANGETOWN PLANNING BOARD DECISION**

**Ash Subdivision Plan– Recommendation to the Town Board to Release the Performance Bond**

**December 9, 2009  
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**RECOMMENDATION: In view of the foregoing, the Board RECOMMENDED to the Town Board to RELEASE the Ash Subdivision – Performance Bond.**

The foregoing Resolution was made and moved by Kevin Garvey and seconded by Bruce Bond and carried as follows: Bruce Bond, aye; aye; William Young, aye; John Foody, aye; Jeffrey Golda, aye; Robert Dell, aye; Andy Stewart 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 9, 2009**

**Town of Orangetown Planning Board**

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

**PB #09-63- TOWN OF ORANGETOWN PLANNING BOARD DECISION**

**Sickletown Woods Subdivision Plan – Amendment to Filed Subdivision Plat, Detention Basin Relocation Plan, Approved Subject to Conditions**

**December 9, 2009**

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TO: William Brodsky; 275 North Middletown Road; Pearl River,  
New York 10965

FROM: Orangetown Planning Board

RE: Sickletown Woods Subdivision: The Application of The Carteret Group, owner, for an Amendment to the Filed Subdivision Plat to Relocate the Detention Pond onto Lot #1.1, in the Subdivision known as “**Sickletown Woods Subdivision**”, in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21 of the Code of the Town of Orangetown. The site is located on Sickletown Road, Orangeburg, Town of Orangetown, Rockland County, New York and as shown on the Orangetown Tax Map as Section 69.08, Block 1, Lot 1.1, in the R-40 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, December 9, 2009**, at which time the Board made the following determination:

William Brodsky appeared and testified for the applicant.

The Board received the following communications:

1. A Project Review Committee Report dated December 2, 2009.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated December 9, 2009.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering, (DEME) Town of Orangetown, signed by Bruce Peters, P.E., dated December 3, 2009.
4. An As-Built Survey prepared by Zimmerman Engineering and Surveying, dated May 15, 2008.
5. A Short Environmental Assessment Form, dated December 8, 2009 signed by William Brodsky.

The Board discussed the Request.

**Public Comments:**

Joseph Hovsepian, 245 Sickletown Road, Orangeburg, raised concerns regarding the completion of the subdivision and the impact of drainage on his property. He requested information regarding the catch basins.

John Micastrò, 3 Camelot Way, Orangeburg, expressed concerns regarding the timetable of construction and wanted to know why the detention basin was not built when the subdivision was completed 9 years ago.

**PB #09-63- TOWN OF ORANGETOWN PLANNING BOARD DECISION**

**Sickletown Woods Subdivision Plan – Amendment to Filed Subdivision Plat, Detention Basin Relocation Plan, Approved Subject to Conditions**

**December 9, 2009**

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

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

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

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

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

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

**PB #09-63- TOWN OF ORANGETOWN PLANNING BOARD DECISION**

**Sickletown Woods Subdivision Plan – Amendment to Filed Subdivision Plat, Detention Basin Relocation Plan, Approved Subject to Conditions**

**December 9, 2009**

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1. The following note shall be placed on the Plan: “At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a meeting.”
2. The following note shall be placed on the Plan regarding Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.
3. The applicant is proposing to move the approved location of the detention pond from subdivision Lot #4 to subdivision Lot #3. The property lines and the road right of way remain unchanged.
4. The detention basin shall be labeled to indicate that the basin will be dedicated to the Town of Orangetown for drainage purposes. All legal documentation shall be reviewed and accepted by the Town of Orangetown Town Attorney’s Office.

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

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

**Dated: December 9, 2009**

**Town of Orangetown Planning Board**

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



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

**PB #09-63- TOWN OF ORANGETOWN PLANNING BOARD DECISION;  
Sickletown Woods Subdivision Plan – Amendment to Filed Subdivision  
Plat, Detention Basin Relocation Plan, Approved Subject to Conditions**

**Reaffirmation of SEQRA  
December 9, 2009  
Page 4 of 4**

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: Sickletown Woods Subdivision Plan – Amendment to  
Filed Subdivision Plat, Detention Basin Relocation Plan**

SEQR STATUS: Type I \_\_\_\_\_ Unlisted XXXXXX  
CONDITIONED NEGATIVE DECLARATION: Yes \_\_\_\_\_ No XXXXXX  
DESCRIPTION OF ACTION: Amendment to Filed Subdivision Plat

LOCATION: The site is located on Sickletown Road, Orangeburg, Town of Orangetown, Rockland County, New York and as shown on the Orangetown Tax Map as Section 69.08, Block 1, Lot 1.1, in the R-40 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

**PB #09-64- TOWN OF ORANGETOWN PLANNING BOARD DECISION**

**Walsh Subdivision Plan – Request for the 1st 90-Day Extension to file Subdivision Plat with Rockland County Clerk’s Office, Reapproved Subdivision Plan**

**December 9, 2009**

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TO: Gerald Walsh, 252 Townline Road, West Nyack, New York, 10994  
FROM: Orangetown Planning Board  
RE: The application of the Gerald and Bonnie Walsh, owners for a 90 day Extension to File the “**Walsh Subdivision**” with the Rockland County Clerk’s Office, 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 252 Townline Road, West Nyack, Town of Orangetown, Rockland County, New York and shown on the Orangetown Tax Map as Section 64.20, Block 1, Lot 3 in the R-40 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held Wednesday, December 9, 2009, at which time the Board made the following determination:

The Board received the following communications:

1. Project Review Committee Report dated December 2, 2009.
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 9, 2009.
3. An interdepartmental memorandum signed by Bruce Peters, P.E., Department of Environmental Management and Engineering (DEME), Town of Orangetown, dated December 3, 2009.
4. PB #07-38, Final Subdivision Approval Subject to Conditions, dated June 27, 2007.
5. A letter from Gerald Walsh, dated November 9, 2009.

The Board discussed the 90 Day Extension to file the subdivision plan.

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 William Young and carried as follows:

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

**DECISION: In view of the foregoing, the Board GRANTED a 90 Day Extension in time to file the Walsh Subdivision with the Rockland County Clerk’s Office.**

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

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

**Dated: December 9, 2009 Planning Board**

**PB #09-10 – TOWN OF ORANGETOWN PLANNING BOARD DECISION**

**Crestron Electronics Resubdivision Plan; Preliminary Approval  
Subject to Conditions/Neg. Dec.**

**December 9, 2009**

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TO: Steven Grogg, P.E., McLaren Engineering Group, 100 Snake Hill Road, West Nyack, New York 10956

FROM: Orangetown Planning Board

RE: The application of 280 – 282 Orangeburg Road, LLC, owner, for Prepreliminary/Preliminary Resubdivision Plan Review at a site to be known as “**Crestron Electronics 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 and to determine the environmental significance of the application pursuant to the requirements of the New York State Environmental Quality Review Act. The site is located on the south side of Ramland Road South 1,200 feet south of the intersection of Ramland Road, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 77.05, Block 1, Lots 36 & 37 in the LIO zoning district.

Heard by the Planning Board of the Town of Orangetown at meetings held **February 25, May 27, July 22, September 30 and December 9, 2009** at which time the Board made the following determinations:

**February 25, 2009**

Steven Grogg, Daniel Feldstein, William Glaner and Terry Rice appeared and testified.

The Board received the following communications:

1. A Project Review Committee Report dated February 18, 2009.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated February 25, 2009.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering, (DEME) Town of Orangetown, signed by Bruce Peters, P.E., dated February 19, 2009.
4. A letter from McLaren Engineering Group, signed by Steven Grogg, P.E., dated January 21, 2009, with the following attachments; a drawing list and a copy of the Building Permit Denial.
5. A Full Environmental Assessment Form signed by Steven Groff, P.E., Chief Site – Civil Division, McLaren Engineering Group, undated.
6. A Stormwater Pollution Prevention Plan, prepared by McLaren Engineering Group, dated January 2009.
7. Letters from the Rockland County Department of Planning, signed by Eileen Miller, dated February 20, 2009 and Salvatore Corallo, Commissioner of Planning, dated February 23, 2009.
8. A letter from Rockland County Department of Highways, signed by Sonny Lin, P.E., dated February 17, 2009.

## **PB #09-10 – TOWN OF ORANGETOWN PLANNING BOARD DECISION**

### **Crestron Electronics Resubdivision Plan; Preliminary Approval Subject to Conditions/Neg. Dec.**

**December 9, 2009**

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9. A letter from Rockland County Drainage Agency, signed by Edward Devine, Executive Director, dated January 27, 2009.
10. Letters from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated January 26, 2009
11. Submitted at the meeting by Ed Felix, a letter signed by Erick Balce, 12 Tory Circle, Tappan, New York, an abutting property owner, dated February 24, 2009.
12. Plans prepared by McLaren Engineering Group, dated January 16, 2009:

#### **S-1: Preliminary Subdivision Plan**

- C-001: Cover Sheet
- C-002: Existing Conditions Map
- C-100: Overall Site Plan
- C-101: Site Plan
- C-102: Site Plan
- C-103: Phasing Plan
- C-201: Grading Plan
- C-202: Grading Plan
- C-301: Utility Plan
- C-302: Utility Plan
- C-401: Soil Erosion and Sediment Control Plan
- C-501: Details
- C-502: Details
- C-601: Lighting Plan

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

#### **Public Comments**

Mellisa Stone, 35 Constitution Road, raised questions regarding the type of vegetative buffer along the eastern side of the site. She requested information regarding the proposed landscaping plan for the site and requested information regarding the elevations and height of the proposed structure.

Terry Wolff, 11 Constitution, Road, raised concerns regarding traffic impact to the surrounding area, hours of operation and illumination of the site. He noted that the intersection of Blaisdell and Orangeburg Roads is currently a very dangerous.

Beth DeCoursey, 9 Tory Circle, expressed concerns regarding the depiction of the site in the photographs presented at the meeting, that they do not represent the current situation. She wanted to know the proposed height of the structure and if any environmental studies were submitted.

## **PB #09-10 – TOWN OF ORANGETOWN PLANNING BOARD DECISION**

### **Crestron Electronics Resubdivision Plan; Preliminary Approval Subject to Conditions/Neg. Dec.**

**December 9, 2009**

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Ed Felix, 12 Tory Circle, submitted a letter, signed by Erick Balce, dated February 24, 2009, and read the letter into the record. Mr. Felix object to the development, noting that it is currently inhabited with wildlife and development would increase noise, traffic and pollution to the neighborhood. He noted that his property would decrease in value due to the placement of the development of the site and that the proposed development would disturb the suburban quality of the area.

Rudy Depuy, 1 Tory Circle, raised concerns regarding the maintenance of the site and the vegetative buffer. He wanted to know if there would be a noise study completed for the proposed uses.

John Rutledge, 30 Gaze Court, raised concerns regarding noise and lights at night and believed that the Board should address those concerns.

Bob Scozzafava, 29 Longview Court, Old Tappan, New Jersey, raised concerns regarding the future hours of operations of the business. He asked if the operations of the site would be using the access road through New Jersey. Mr. Scozzafava requested clarification regarding the number of loading docks proposed for Phase I and Phase II of the buildings. He discussed the insufficient landscaping on site and the potential for noise from the truck bays.

Lloyd Aamonson, 21 Longview Court, Old Tappan, New Jersey, express concerns regarding the extent of the vegetative buffer. He wanted to know how the electrical utilities will serve the site.

Jonathan Vogel, owner of Ma-Tov Day Camp, an abutting property owner, raised serious concerns regarding the extent of the proposed view of the site and the impact to the campers and families using his property. Mr. Vogel requested that the developer plant denser vegetation along their shared property line in order to hide the parking area and loading docks. He also raised concerns regarding the drainage impact to his property.

**PB #09-10 – TOWN OF ORANGETOWN PLANNING BOARD DECISION**

**Crestron Electronics Resubdivision Plan; Preliminary Plan Approval Subject to Conditions/Neg. Dec.**

**December 9, 2009**

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The applicant requested a **CONTINUATION** of the application.

**May 27, 2009**

Steven Grogg, Daniel Feldstein, Brad Meumann and Terry Rice appeared and testified.

The Board received the following communications:

1. A Project Review Committee Report dated May 20, 2009.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated May 27, 2009.
3. A letter from HDR signed by Harvey Goldberg, P.E., dated May 22, 2009.
4. A letter from the Rockland County Department of Planning, signed by Salvatore Corallo, Commissioner of Planning, dated May 26, 2009.
5. Plans prepared by McLaren Engineering Group, dated January 16, 2009, revised April 14, 2009:

**S-1: Preliminary Subdivision Plan**

- C-001: Cover Sheet
- C-002: Existing Conditions Map
- C-100: Overall Site Plan
- C-101: Site Plan
- C-102: Site Plan
- C-103: Phasing Plan
- C-201: Grading Plan
- C-202: Grading Plan
- C-301: Utility Plan
- C-302: Utility Plan
- C-401: Soil Erosion and Sediment Control Plan
- C-501: Details
- C-502: Details
- C-601: Lighting Plan

6. Landscaping Plans prepared by Land Concepts, dated January 14, 2009, revised April 14, 2009:

- L-1 of 2: Planting Plan – Phase I
- L-2 of 2: Planting Plan – Phase II

7. Architectural Plans prepared by Elkin/Sobolta & Associates, dated December 12, 2008:

- A-1: Floor Plan
- A-2: Elevations

**PB #09-10 – TOWN OF ORANGETOWN PLANNING BOARD DECISION  
Crestron Electronics Resubdivision Plan; Preliminary Plan Approval Subject to  
Conditions/Neg. Dec.**

**December 9, 2009  
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The Board reviewed the plans. The hearing was then opened to the Public.

**PUBLIC COMMENTS**

Donald Brenner, attorney for Ma-Tov Day Camp, abutting property owner, requested that the Board decision regarding the subdivision be held off until the Site Plan is reviewed. The two projects are interrelated.

Beth DeCoursey, 9 Tory Circle, wanted to know the hours of operation of the facility and raised concerns regarding the extended hours of operation that could be granted by the Town Zoning Board of Appeals.

Sam Vogel, owner of Ma-Tov Day Camp, raised concerns regarding the impact of the operation of the project on the 300 to 400 young children that come to his Day Camp property. Mr. Vogel stated that he was concerned about the children's health and welfare. The design of the proposed project proposed 25 loading docks and impact would be significant on his property. He read from a letter he wrote to the Town Building Department, noting three issues; water, drainage and environmental impact on his property.

The applicant requested a **CONTINUATION** of the application.

**July 22, 2009**

Steven Grogg, Daniel Feldstein, Brad Meumann and Terry Rice appeared and testified. The Board received the following communications:

1. A Project Review Committee Report dated July 15, 2009.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated July 22, 2009.
3. A letter from HDR signed by Harvey Goldberg, P.E., dated July 14, 2009.
4. A letter from the Rockland County Department of Planning, signed by Salvatore Corallo, Commissioner of Planning, dated July 17, 2009.
5. A letter from Rockland County Department of Highways, signed by Joseph Arena, Principal Engineering Technician, dated July 3, 2009.
6. A letter from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated June 22, 2009.

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7. A letter signed by Thomas Skrable, P.E., Borough Engineer, Borough of Old Tappan, New Jersey, dated July 10, 2009.

8. Plans prepared by McLaren Engineering Group, dated January 16, 2009, revised June 15, 2009:

**S-1: Preliminary Subdivision Plan**

C-001: Cover Sheet

C-002: Existing Conditions Map

C-100: Overall Site Plan

C-101: Site Plan

C-102: Site Plan

C-103: Phasing Plan

C-201: Grading Plan

C-202: Grading Plan

C-301: Utility Plan

C-302: Utility Plan

C-401: Soil Erosion and Sediment Control Plan

C-501: Details

C-502: Details

C-601: Lighting Plan

9. Landscaping Plans prepared by Land Concepts, dated January 14, 2009, revised June 15, 2009:

L-1 of 2: Planting Plan – Phase I

L-2 of 2: Planting Plan – Phase II

10. Architectural Plans prepared by Elkin/Sobolta & Associates, dated December 12, 2008:

A-1: Floor Plan

A-2: Elevations

**PUBLIC COMMENTS**

Donald Brenner, attorney for Ma-Tov Day Camp, abutting property owner, discussed the merging of the lots before the Board, requesting clarification. He discussed the need for Ramland Road to become a public street with a turn around at the end. Presently, the street is not maintained and the area is overdeveloped and questioned the Board how the roadway is going to handle the additional traffic created by the proposed project.

Mellisa Stone, 35 Constitution Road, raised concerns regarding the proposed height of the structures. She wanted to know the hours of operation and if any trees would be cut down.



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John Piccininni, owner of an abutting commercial property on Ramland Road, raised issue with the status of dedication of Ramland Road to the Town, traffic on the roadway and maintenance of the roadway.

Sam Vogel, Ma-Tov Day Camp, abutting property owner, raised concerns regarding the existing berm on the site, the possible contaminants in the berm and its removal from the site. Mr. Vogel also expressed concerns regarding the proximity of idling trucks to his property since children are playing on the campgrounds and the traffic created from the trucks and air quality and health hazards to the children.

Terry Wolff, 11 Constitution, Road, raised concerns regarding the vegetative buffer on the site during Phase I and Phase II of construction. He requested that the Board consider a berm on the site and that mature trees not be touched during construction.

Donald Brenner, attorney for Ma-Tov Day Camp, abutting property owner, held that the applicant has not done all the elements required under SEQRA, and that there is a traffic problem. He also raised issue of contaminants in the ground and odors and requested that air pollution reports be submitted before the project move on.

The applicant requested a **CONTINUATION** of the application.

**September 30, 2009**

Steven Grogg, Daniel Feldstein, Brad Meumann and Terry Rice appeared and testified. The Board received the following communications:

1. A Project Review Committee Report dated September 23, 2009.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated September 30, 2009.
3. A letter from HDR, signed by Harvey Goldberg, P.E., dated September 17, 2009.
4. Letters from the Rockland County Department of Planning, signed by Salvatore Corallo, Commissioner of Planning, dated August 27 & July 17, 2009.
5. A letter from Rockland County Department of Highways, signed by Joseph Arena, Principal Engineering Technician, dated August 27, 2009.
6. A letter from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated August 12, 2009.

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7. Letters from McLaren Engineering Group, signed by Steven L. Grogg, P.E. Site –Civil Division Chief, dated September 18 and August 7, 2009.

8. Plans prepared by McLaren Engineering Group, dated January 16, 2009, revised August 7, 2009:

**S-1: Preliminary Subdivision Plan**

C-001: Cover Sheet

C-002: Existing Conditions Map

C-100: Overall Site Plan

C-101: Site Plan

C-102: Site Plan

C-103: Phasing Plan

C-201: Grading Plan

C-202: Grading Plan

C-301: Utility Plan

C-302: Utility Plan

C-401: Soil Erosion and Sediment Control Plan

C-501: Details

C-502: Details

C-601: Lighting Plan

9. Landscaping Plans prepared by Land Concepts, dated January 14, 2009, revised August 7, 2009:

L-1 of 2: Planting Plan – Phase I

L-2 of 2: Planting Plan – Phase II

10. Architectural Plans prepared by Elkin/Sobolka & Associates, dated December 12, 2008:

A-1: Floor Plan

A-2: Elevations

11. An Assessment of the Soil Berm at the Former Mufson Landscape Design Site, prepared by Chazen Companies, dated August 6, 2009.

### **PUBLIC COMMENTS**

Bob Diercks, 255 Betsy Ross Drive, raised concerns regarding traffic congestion to the area roadway when all of the buildings in the area are occupied.

Mr. Vaher, 254 Betsy Ross Drive, expressed numerous concerns regarding health, crime and impact to community services.

Robert Bloom, 4 Ethan Allen Court, requested information regarding the size of the trucks accessing the project site.

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Beth DeCoursey, 9 Tory Court, held that the project is not compatible with the area properties. She raised concerns about noise, security, odors, and the operations of the business. Ms Decourcey requested additional time to review the project.

Helen Bark, 117 Constitution Drive, wanted to know if the Board is going to ruin the Neighborhoods quality of life.

Stephanie Stein, 127 Constitution Drive, questioned the Board on how to make the applicant consider moving to another site. She raised concerns regarding the impact of the development to the neighborhood.

Terry Wolf, 11 Constitution Drive, wanted to know the hours of operation of the business and the number of worker shifts.

Richard Russell, 134 Constitution Drive, held that his property would be devalued due to the construction of the proposed project.

Madeline Sockolf, an area resident, held that the project will increase noise, pollution to the neighborhood and will decrease the quality of life to everyone.

Debbie Verdicchio, 137 Penn Court, noted that she lives behind the Subaru building and that building is ¼ the size of the proposed structure. She said that at night, there is a lot of noise created.

Teresa Parker, 61 Minuet Man Circle, raised concerns regarding the traffic study. She held that it should be revised to include school busses and cars that use Hunt Road as a by pass to the light at Orangeburg and Blaisdell Roads.

Michael Prunty, 35 Constitution Drive, expressed concerns regarding the size of the proposed building.

Mark Skopov, 2 Trenton Drive, held that the proposed development will help with the rising taxes in Orangetown, but this building will greatly impact the neighborhood and overwhelm the area.

Geraldine Collins, area resident, expressed concerns regarding increase in traffic and pollution resulting from the proposed project.

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Donald Brenner, attorney for Ma-Tov Day Camp, abutting property owner, held that the Board must take a hard look at SEQRA. There are three problems with SEQRA:

1. Accessibility of the Site, since it is an end run of a private road.
2. Contamination of the site. The applicant came up with a plan but does not include his client, Ma-Tov. Also, there are contaminants in the detention basin not addressed by the applicant.
3. The applicant is parking trucks inside the building.

Mr. Brenner held that the applicant is a multi million dollar corporation and can afford to correct the situation

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

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

The applicant requested a **CONTINUATION** of the application.

**December 9, 2009**

Daniel Feldstein, Terry Rice, Steven Grogg, John Collins, James Kozo and appeared and testified.

The Board received the following communications:

1. A Project Review Committee Report dated December 2, 2009.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated December 9, 2009.
3. A review of the Collins Engineering Traffic Impact Study, prepared by Adler Consulting, and signed by Bernard Adler, P.E., President, and John Canning, P.E., Senior Associate, dated October 21, 2009.
4. Response to the Adler Consulting October 21, 2009 review of the Collins Engineering Traffic Impact Study, prepared by John Collins Engineers, P.C., dated November 23, 2009.
5. Response to the John Collins Engineering, comments of November 23, 2009, prepared by Adler Consulting, dated December 9, 2009.

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#### **FINDINGS OF FACT:**

Bernard Adler, Adler Consulting, a traffic consultant hired by the Planning Board presented his findings. Mr. Adler reviewed the Collins Engineering traffic study. He noted that the initial study needed additional information in order to review the traffic that would be created by Crestron and other future developments in the area of the Crestron project. Adler Consulting recommended additional traffic improvements to the study area, stating that with the suggested improvements, the traffic impact of Crestron would be minimal. Adler Consulting recommended a southbound turning lane at Ramland Road onto Blaisdell Road, a Rockland County roadway, with Crestron providing its “fair share” of financial aid.

#### **PUBLIC COMMENTS**

Dennis Lynch, attorney representing abutting property owners, raised concerns regarding the Board granting Preliminary Approval of the application. Mr. Lynch believed the Board should declare a Positive Declaration in the State Environmental Quality Review to allow for further review. He noted that the issue of socio-economic impact was not reviewed in the applicant’s submission.

Donald Brenner, attorney for Ma-Tov Day Camp, an abutting property owner, raised concerns regarding other traffic generators in the area and their participation in the “fair share” of the traffic improvements. Mr. Brenner held that since Blaisdell Road was a County Roadway, the County may not offer its share of the roadway costs.

Lester Cohen, 167 Cows Penn Drive, requested that the applicant submit a Full Environmental Assessment Form. He raised concerns regarding the use of school busses at the intersection of Blaisdell and Ramland Roads. Mr. Cohen requested information regarding the level of traffic flow at other intersections in Orangetown.

Al Samuels, Rockland Business Association, held that the agency conducted a study in 2005 and determined that the type of private sector employer that Rockland needed to attract would be similar to Crestron, a light manufacturing company that would provide employment and tax ratable. Mr. Samuels submitted a copy of the newspaper article from The Journal News.com, dated March 30, 2005.

Nigal Bark, 117 Constitution Drive, raised concerns regarding the noise resulting in the construction of the project. He requested information regarding the type of structure to be built.

Jack Holt, business owner in Pearl River, 1 North Tweed Boulevard, supports the project. He noted that Crestron would be a clean ratable business to Orangetown and urged the Board to grant Preliminary Approval and move the project forward.

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Steve Yasskay, Chairman of Rockland Economic Development Corporation, welcomed to Crestron Rockland County and noted that the project would offer some economic stability to the County. The project brings jobs and would be important to Rockland County of obtain the business, since the county is in competition with Bergen County for this type of ratable.

Terry Wolf, 11 Constitution Drive, raised concerns regarding the proposed height of the structure.

Paul Neugbauer, 125 Constitution Drive, raised concerns regarding the impact of traffic to area roadway, the soci-economic impact to the neighborhood and use of tractor trailer trucks coming to and using the site.

Ron Hicks, Rockland Economic Development Corporation, supports the project and stated that the Planning Board has a chance to attract a clean, family business and the Town should embrace the opportunity. Mr. Hicks noted that there are a lot of empty buildings/businesses in Orangetown and that Crestron would be a good project for the Town. He requested that the Planning Board endorse the project.

Joe Cinqueman, 2 Betsy Ross Drive, raised concerns regarding the existing traffic on the streets. He held that new development would further increase the problem.

Joe Laglan, business owner in Pearl River, stated that he moved to Orangetown three years ago and employs 350 people. He likes Orangetown and requested the Board to move the project.

Sal Guanira, Betsy Ross Drive, expressed concerns regarding the number of possible employees, noise pollution and waste products recreated by the project. He wanted to know if sound barriers would be constructed.

William Helmer, 3 Main Street, Nyack, Past President of Rockland Economic Development Corporation and Past President of Provident Bank, stated that he has worked for the past 15 years trying to attract this type of business to Rockland County. The Planning Board needs to work out any type of accommodation in order to retain the interest of Crestron, Orangetown needs the additional 300 jobs. If parking is a problem, he could assist in resolution of the issue.

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Rudolph Dupuy, 1 Tory Circle, raised concerns regarding the buffer zone and the impact of the proposed development on the surrounding neighborhood.

Beth DeCoursey, 9 Tory Court, expressed concerns regarding the impact of the project to the neighbors, hours of operation of the business, noise from the trucks on site and soci-economic impact to the residents. Ms DeCoursey urged the Planning Board not to grant parking in the permitted yard.

John Gaglione, 18 Betsy Ross Drive, wanted the Plans to note the location of houses on the abutting parcels of land. He wanted information regarding the location of the air conditioning units on the roof of the proposed structure. Mr. Gaglione raised concerns regarding the noise produced from the site.

Charlene Collins, Minute Man Circle, requested information regarding the scale of the proposed building, particularly with the height of the structure. She also raised concerns regarding the noise and traffic produced from the project.

Madeline Sokloff, 149 Valley Forge Place, raised concerns regarding the use of the site, the number of parking spaces, noise, fumes and garbage. She expressed concerns regarding the existing traffic in the area of the proposed project and the worsening of the traffic to the area if Crestron is built.

Sam Vogel, owner of an abutting property, Ma-Tov Day Camp, raised concerns regarding the impact of the development and suggested using an alternative site. Mr. Vogel requested clarification regarding why a buffer was not proposed for his side of project site, why the loading docks were switched to the side of building facing his property and the need for enclosures on the docks. He requested the Board to consider requiring some type of buffer on his side of the project site.

Helen Bark, 117 Constitution Drive, requested information regarding the type of products that Crestron produces and the type of wastes that would result.

Scott Hansen, 158 Cows Penn Drive, requested that the Board consider Mr. Vogel's alternative site for the project. He applauded Crestron's effort to reduce the size of the structure, however is still concerned about the fumes created by the operation of the business.

Mellisa Stone, 35 Constitution Road, raised questions regarding impact of the development to the area, since it in her backyard.

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Matt Locco, 19 Constitution Drive, held that the proposed project is too big to be located in the backyards of a residential neighborhood.

Robert Murphy, 27 Constitution Drive, requested information regarding the hours of operation of Crestron.

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

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

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

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

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

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



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

After having identified the relevant areas of environmental concern, namely drainage, surface water runoff, land clearing, vegetation, fauna, traffic and noise levels, and after having taken a hard look at said environmental issues, and after having deliberated regarding such concerns, and having heard from the applicant, the applicant's professional representatives, namely McLaren Engineering Group, Collins Engineering, Land Concepts, Elkin/Sobolta & Associates and Chazen Companies, and the Town of Orangetown's engineering consultant, Henningson, Durham & Richardson (HDR) and Adler Consulting, and having heard from the following offices, officials and/or Departments: (Town of Orangetown): Project Review Committee, Office of Building, Zoning, Planning Administration and Enforcement and Department of Environmental Management and Engineering; and having heard from the following involved and interested agencies: Rockland County Department of Planning, Rockland County Department of Highways, Rockland County Drainage Agency, Rockland County Department of Health and Borough of Old Tappan, New Jersey, and having reviewed a proposed subdivision plan by prepared by McLaren Engineering Group, dated January 16, 2009, revised August 7, 2009, Landscaping Plans prepared by Land Concepts, dated January 14, 2009, revised August 7, 2009 and Architectural Plans prepared by Elkin/Sobolta & Associates, dated December 12, 2008, a summary of the reasons supporting this determination are, and the Planning Board finds that the proposed action:

- Will not significantly affect existing air quality or noise levels;
- Will not significantly affect existing surface water quality or quantity or drainage;
- Will not significantly affect existing ground water quality or quantity;
- Will significantly affect existing traffic levels;
- Will not create a substantial increase in solid waste production;
- Will not create a potential for erosion, flooding, leaching or drainage problems;
- Will not have a significant adverse impact on the environmental characteristics of our critical environmental area or environmentally sensitive sites or features;
- Will not have an impairment of the character or quality of important historical, archeological or architectural resources;

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Will not have an impairment of the character or quality of important aesthetic resources;  
Will have an impairment of existing community or neighborhood character;  
Will not remove or destroy large quantities of vegetation or fauna;  
Will not remove or destroy large quantities of wildlife species or migratory fish;  
Will not have a significant adverse impact to natural resources;  
Is consistent with the Town of Orangetown's Comprehensive/Master Plan;  
Will have adverse economic or social impacts upon the Town;  
Will not create a hazard to human health; and  
Will not create a substantial change in the use of land, open space or recreational resources.

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

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

1. The following note shall be placed on the Resubdivision Plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a meeting."
2. The following note shall be placed on the Resubdivision 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. A Short Environmental Assessment Form appears to be in order.
4. The Applicant proposes to consolidate two lots (77.05-1-36 and 77.05-1-37) into a single 19.38 acre lot. No development is proposed under this Resubdivision Plan; therefore, there will be no impact on drainage due to the merger of lots. As stated in our previous letter dated July 14, 2009, the Planning Board's Drainage Consultant recommends acceptance for drainage only for the Resubdivision of these two lots.
5. The Rockland County Highway Department reviewed the plans and based upon the plans and information provided, found that the proposed design is acceptable as submitted.

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

A review shall be completed by the Borough of Old Tappan, New Jersey and their comments considered.

A review shall be completed by the U.S. Army Corps of Engineers and any required permits obtained.

There shall be no net increase in stormwater runoff from the site.

If any new easements will be created, notes on the subdivision plat shall explain who has maintenance responsibilities for the easements.

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

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

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

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

If any variances will be needed to implement the proposed subdivision plan, the Rockland County Department of Planning requests the opportunity to review the proposed variances, as required by New York State General Municipal Law, Section 239-m(3)(v).

Note 4 on the Subdivision drawing appears to contain a typographical error ("for" rather than "or").

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**7.** 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.

**8.** The Rockland County Stream Control Act, Chapter 846, requires that all subdivision maps must be signed by the Chairman of the Rockland County Drainage Agency before the Rockland County Clerk will accept same for filing.

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

- Rockland County Department of Planning
- Rockland County Department of Health
- Rockland County Drainage Agency
- Rockland County Department of Highways

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

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

**12. TREE PROTECTION:** The following note shall be placed on the subdivision plan:

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

- a. No construction equipment shall be parked under the tree canopy.
- b. There will be no excavation or stockpiling of earth underneath the trees.
- c. Trees designated to be preserved shall be marked conspicuously on all sides at a 5 to 10 foot height.

d. The Tree Protection Zone for trees designated to be preserved will be established by one of the following methods:

- One (1) foot radius from trunk per inch DBH

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**Continuation of Condition #12....**

Drip line of the Tree Canopy. The method chosen should be based on providing the maximum protection zone possible. A barrier of snow fence or equal is to be placed and maintained one yard beyond the established tree protection zone. If it is agreed that the tree protection zone of a selected tree must be violated, one of the following methods must be employed to mitigate the impact:

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

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

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

**13.** 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.

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

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

**16.** If the applicant, during the course of construction, encounters such conditions as flood areas, underground water, soft or silty areas, improper drainage, or any other unusual circumstances or conditions that were not foreseen in the original planning, such conditions shall be reported immediately to DEME. The applicant shall submit their recommendations as to the special treatment to be given such areas to secure adequate, permanent and satisfactory construction. DEME shall investigate the condition(s), and shall either approve the applicant's recommendations to correct the condition(s), or order a modification thereof. In the event of the applicant's disagreement with the decision of DEME, or in the event of a significant change resulting to the subdivision plan or site plan or any change that involves a wetland regulated area, the matter shall be decided by the agency with jurisdiction in that area (i.e. Wetlands - U.S. Army Corps of Engineers).

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

**18.** Prior (at least 14 days) to the placing of any road sub-base, the applicant shall provide the Town of Orangetown Superintendent of Highways and DEMA with a plan and profile of the graded road to be paved in order that these departments may review the drawings conformance to the approved construction plans and the Town Street Specifications

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

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

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

**Dated: December 9, 2009**

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 #09-10 – TOWN OF ORANGETOWN PLANNING BOARD DECISION  
Crestron Electronics Resubdivision Plan; Preliminary Plan Approval Subject to  
Conditions/Neg. Dec.**

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This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Regulation) of the Environmental Conservation Law.

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

NAME OF ACTION: **Crestron Electronics Resubdivision/Site Plan**

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

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

DESCRIPTION OF ACTION: **Resubdivision/Site Plan Review**

LOCATION: The site is located on the south side of Ramland Road South 1,200 feet south of the intersection of Ramland Road, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 77.05, Block 1, Lots 36 & 37 in the LIO zoning district.

**REASONS SUPPORTING THIS DETERMINATION:**

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

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

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

For Further Information contact:

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

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

**Other Business:** Town of Orangetown Planning Board

Referral to the Town of Orangetown Town Board - Orange & Rockland Utilities  
Application for Special Permit for Transition Towers.

**December 9, 2009**

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TO: Anthony Mantalbano, Mantalbano, Condon & Frank, 67 North Main  
Street, New City, New York  
FROM: Orangetown Planning Board  
RE: At the November 23, 2009 Town Board Meeting, the Town of Orangetown Town  
Board referred the applicant to the Planning Board for Lead Agency consent and review  
for a Special Permit. The site is located at south side of Orangeburg Road,  
approximately 300 feet west of the intersection of Lester Drive, Orangeburg, Town of  
Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map  
as Section 74.09, Block 2, Lot 2 in the R-22 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held  
**Wednesday, December 9, 2009**, at which time the Board made the following  
determination:

At the December 9<sup>th</sup> Meeting, John Collins, James Koza and Anthony Montalbano  
appeared and testified for the applicant. The Planning Board reviewed the following  
materials:

Visuals of the site from surrounding areas,

Narrative – Orange and Rockland Utilities Corporate Drive Substation Transmission  
Structures, signed by Peter T. McGoldrick, P.E.,

Plans entitled Orangeburg Road Transition Yard, prepared by James Koza, P.E.,  
dated November 18, 2009:

Sheet 1 of 4: Title Sheet

Sheet 2 of 4: Layout & Utility

Sheet 3 of 4: Grading & Erosion Control Plan and Details

Sheet 4 of 4: Landscaping Plan and Details,

Full Environmental Assessment Form, dated November 19, 2009, signed by W.  
Charles Utschig, P.E., and

Drainage Report and Erosion & Sediment Control Maintenance Plan, prepared by  
CMX, signed by W. Charles Utschig, P.E., dated November, 2009.

**FINDINGS OF FACT:**

The Orangetown Planning Board had no objection to the Town Board being Lead  
Agency on the application of Orange & Rockland Utilities for a Special Permit for  
Transition Towers.

The Planning Board offered the following recommendation to the Town Board.

**RECOMMENDATION:** The Planning Board found that there will be two Transition  
Towers enclosed with fencing. The fencing shall be revised to a minimum height of 10  
feet with Barbed Wire placed on top of the fencing.

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 9, 2009**

**Town of Orangetown Planning Board**

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



