

TOWN OF ORANGETOWN PLANNING BOARD

Meeting of December 8, 2010

MEMBERS PRESENT:

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

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

Bruce Bond, Chairperson called the meeting to order at 7:40 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 September 29, 2010 Meeting:

PB #10-18: Thorpe Village Wetlands Remediation Project Site Plan;

Final Site Plan Approval Subject to Conditions/ Neg. Dec; 74.16/1/23; R-40 zoning district

PB #10-41: St. Thomas Aquinas College Athletic Field Site Plan;

Preliminary Site Plan Approval Subject to Condition/ Neg. Dec; 74.20/1/2; LO zoning district

PB #10-56: Beckerle Lumber Supply Company Site Plan;

Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec.; 74.15/1/5; LI zoning district

PB #10-57: Dominican Sisters Emergency Generator Site Plan;

Final Site Plan Approval Subject to Conditions/ Neg. Dec. 74.16/1/2.1; R-40 zoning district

PB #10-58: Anda Realty Site Plan;

Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec.; 68.16/6/39; CS zoning district

PB #10-59: Tappan Shopping Center/Retro Fitness Gym Plan;

Final Internal Commercial Subdivision Plan Approval Subject to Conditions/ Neg. Dec.; 77.15/1/41, CS zoning district

PB #10-60: Quinn Subdivision Plan;

Preliminary Subdivision Plan Approval Subject to Condition/ Neg. Dec. /Sparkill Overlay Zone; 77.08/5/48; CS – Mixed Use zoning district

PB #10-61: Quinn Site Plan;

Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec. /Sparkill Overlay Zone; 77.08/5/48; CS – Mixed Use zoning district

The decisions of the November 10, 2010 Planning Board Meeting was reviewed, edited and approved. The motion for adoption was made and moved by Kevin Garvey and seconded by Jeffrey Golda and carried as follows: Robert Dell, abstain; Kevin Garvey, aye; Bruce Bond, aye; Jeffrey Golda, aye; John Foody, aye; Andy Stewart, aye and William Young, aye.

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

Since there was no further business to come before the Board, a motion to adjourn the meeting was made by Kevin Garvey and seconded by John Foody

and agreed to by all in attendance. The meeting was adjourned at 9:25 p.m. The next Planning Board meeting is scheduled for January 12, 2011.

DATED: December 8, 2010
Town of Orangetown Planning Board

Town of Orangetown Planning Board Decision
December 8, 2010

PB #10-18: Thorpe Village Wetlands Remediation Project Site Plan, Final Site Plan Approval Subject to Conditions/ Neg. Dec.

TO: Charles Robben, P.E. Commander Engineers, PC,
61 Robert Avenue Port Chester, New York 10573
FROM: Town of Orangetown Planning Board

RE: Thorpe Village Wetlands Remediation Project Site Plan: The application of Charles Robben, P.E., applicant, for Thorpe Village Development Fund, Co., Inc., owner, for Prepreliminary/ Preliminary/ Final Wetlands Remediation Project Site Plan Review, for a site to be known as "Thorpe Village Wetlands Remediation Project Site Plan", in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21A of the Code of the Town of Orangetown and to determine the environmental significance of the application pursuant to the requirements of the New York State Environmental Quality Review Act. The site is located at 125 Route 340, Sparkill, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown. Tax Map as Section 74.16, Block 1, Lot 23 in the R-40 zoning district.

Heard by the Planning Board of the Town of Orangetown at meetings held, **Wednesday, April 28, September 29 and December 8, 2010** at which time the Board made the following determinations:

April 28, 2010

Charles Robben and Sister Ursula Joyce appeared and testified for the applicant. The Board received the following communications:

1. A Project Review Committee Report dated April 21, 2010.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated April 28, 2010, with the following attachments; Interoffice memorandum from Andrew M. Connors, P.E., Public Works Department, Town of Orangetown to Charles Zimmermann, Department of Buildings, Town of Orangetown, dated August 11, 1989; a letter from the New York State Department of Environmental Conservation signed by Joseph Steeley, Jr., Senior Wildlife Biologist, to Charles Zimmermann, dated November 17, 1988, PB #89-64, Approved Decisions Subject to Conditions of Jose Contreras, for Plans for the Restoration of Wetlands within a Conservation Easement, dated May 24, 1989 and a copy of the Negative Declaration dated May 24, 1989.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering, (DEME) Town of Orangetown, signed by Bruce Peters, P.E., dated April 23, 2010.
4. A letter from HDR signed by Harvey Goldberg, P.E., dated April 17, 2010.
5. Letters from the Rockland County Department of Planning, signed by Eileen Miller, dated April 22, 2010 and Salvatore Corallo, Commissioner of Planning, dated April 23, 2010.
6. A letter from Rockland County Department of Highways, signed by Joseph Arena, Principal Engineering Technician, dated April 27, 2010.

7. Letters from Rockland County Drainage Agency, signed by Edward Devine, Executive Director, dated April 15, 2010 and September 29, 2008.
8. Letters from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated March 26, 2010.
9. A letter from the Rockland County Sewer District No. 1, signed by Joseph Lafiandra, Engineer II, dated April 7, 2010.
10. A letter from the Town of Orangetown Zoning Board of Appeals, signed by William Mowerson, Chairman, dated April 7, 2010.
11. Letters from the New York State Department of Transportation, signed by Mary Jo Russo, P.E., Rockland County Permit Engineer, dated April 19, 2010.
12. A letter from the New York State Department of Environmental Conservation, Division of Environmental Permits, Region 3, dated April 15, 2010, signed by Janet Swentusky.
13. An Executive Summary – Thorpe Village Contiguous Wetlands Problems Report, prepared by Commander Engineers PC, dated August 27, 2008.
14. A Short Environmental Assessment Form signed by Charles D. Robben, P.E., dated March 16, 2010.
15. A Project Description prepared by Commander Engineers PC dated March 17, 2010.
16. Copy of the Final Survey for Thorpe Village prepared by Adler & Young dated September 23, 1981, last revised January 18, 1982.
17. Copy of the Landscape Plan for Thorpe Village Housing for the Elderly prepared by Henry Loheac Associates undated, drawing L-1.
18. Thorpe Village Wetlands Remediation Project Drawings 2009 Plans prepared by Commander Engineers PC, dated November 15, 2008, unless noted:
 - Sheet A-0: Title Page
 - Sheet A-1: Pond Seawall and Weir Repair
 - Sheet A-2: Buried Drainage Piping /Re-Routing and Repair
 - Sheet A-3: Weir Design Plan
 - Sheet A-4: Miscellaneous Details I, dated October 29, 2008
 - Sheet A-5: Miscellaneous Details I
 - Sheet A-6: Notes
19. Submitted by Applicant at PRC Meeting, Thorpe Village Wetlands Status & Issues, dated April 21, 2010.

The Board reviewed the plan.

The applicant requested a **CONTINUATION**.

September 29, 2010

Charles Robben and Sister Ursula Joyce appeared and testified for the applicant.

The Board received the following communications:

1. A Project Review Committee Report dated September 22, 2010.
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 29, 2010.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering, (DEME) Town of Orangetown, signed by Bruce Peters, P.E., dated September 27, 2010.
4. A letter from HDR signed by Harvey Goldberg, P.E., dated September 22, 2010.
5. A letter from the Rockland County Department of Planning, signed by Salvatore Corallo, Commissioner of Planning, dated September 23, 2010.
6. A letter from Rockland County Department of Highways, signed by Joseph Arena, Principal Engineering Technician, dated August 27, 2010.
7. Letters from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated September 21 and August 11, 2010.
8. A letter from the New York State Department of Transportation, signed by Mary Jo Russo, P.E., Rockland County Permit Engineer, dated September 16, 2010.

9. A letter from the New York State Department of Environmental Conservation, Division of Environmental Permits, Region 3, dated August 30, 2010, signed by Janet Swentusky.

10. Thorpe Village Wetlands Remediation Pond Calculations prepared by Commander Engineers PC, dated Sept 22, 2010.

11. Thorpe Village Wetlands Remediation Board Submittal for Second Review Package prepared by Commander Engineers PC, dated June 30, 2010.

The Board reviewed the plan.

The applicant requested a **CONTINUATION**.

December 8, 2010

Charles Robben and Sister Ursula Joyce appeared and testified for the applicant.

The Board received the following communications:

1. A Project Review Committee Report dated December 1, 2010.
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 8, 2010.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering, (DEME) Town of Orangetown, signed by Bruce Peters, P.E., dated December 6, 2010.
4. A letter from HDR signed by Harvey Goldberg, P.E., dated December 6, 2010.
5. A letter from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated November 22, 2010.

The Board reviewed the 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 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 William Young 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.

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 Commander Engineers PC, and the Town of Orangetown's engineering consultant, Henningson, Durham & Richardson (HDR), 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 following involved and interested agencies: Town of Orangetown

Zoning Board of Appeals, Rockland County Department of Planning, Rockland County Department of Highways, Rockland County Drainage Agency, Rockland County Department of Health, Rockland County Sewer District No. 1 and having reviewed proposed Site Plan prepared by Commander Engineers PC, a summary of the reasons supporting this determination are, and the Planning Board finds that the proposed action:

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

On motion by Kevin Garvey and seconded by Jeffrey Golda 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 pursuant to SEQRA.

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

1. The following note shall be placed on the Site Plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a meeting."
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 revised remediation plan is under review by DEME. However, a formal SWPPP must be supplied with this proposal. Also, the calculations and the plans shall be separate.
4. Full scale drawings shall be submitted for this project.
5. Soil erosion and sediment control plans and details shall be submitted to DEME for review and approval.
6. The site is located in the Sparkill Creek watershed on the northeast side of NYS Route 340, approximately 1,500 feet northwest of the intersection with Kings Highway in Sparkill. The Applicant claims that upstream development by others during past years has increased the runoff that reaches Thorpe Village, and that this additional runoff exceeds the capacity of existing drainage facilities thereby causing flooded conditions on the Thorpe Village property. The Applicant

desires to eliminate this flooding and has submitted the current plan and drainage calculations.

The Applicant proposes the following modifications to the existing Thorpe Village drainage system:

1. Divert flow from an existing overloaded 30-in storm sewer to a new box culvert storm sewer that discharges to the existing pond.
2. Repair the existing 30-in penetration on the northeast edge of the pond.
3. Replace the existing outlet control structure with a new structure.
4. Repair the retaining seawall on the south side of the pond.
5. Dredge the pond and redistribute the dredged sediment so that the pond depth is more uniform.

In the Planning Board's Drainage Consultant's previous review letter, dated September 22, 2010, they did not recommend acceptance for drainage due to incomplete and incorrect information. Subsequent to that letter, the Consultant has had several discussions with the Applicants engineer, Charles Robben, regarding plan deficiencies. The current submittal consisting of plans and calculations dated November 2, 2010, and a letter dated September 30, 2010 has addressed many of their concerns so that they now believe that the proposed plan can achieve a zero net increase in runoff rate leaving the site and therefore recommend acceptance for drainage subject to the following conditions:

Plans:

-Plans shall be full size, not 11" x 17", and shall be bound separately from the calculations. The proposed drainage plan shall consist of a single plan proposed by the Applicant; it shall not include options. Construction details must be provided for all proposed drainage structures including manholes, catch basins, box culverts, etc. Concrete reinforcing bars need not be shown, but all other construction information must be shown on the plans. Having a contractor submit detailed shop drawings after approval is not acceptable.

- Sheet A-1 shows the plan view of the existing pond and existing Outlet Control Structure (OCS). It describes the work that is to be done on the pond seawalls. A typical section of the seawall should be added to this plan along with the appropriate notes describing the proposed work. The scale of the plan view should be reduced if necessary to make room for the details and notes. Provide existing and proposed top of seawall elevations on the plan. Identify low points where pond overflows take place. There are two pipes that run along Route 340 in addition to the flow from the OCS that enter the existing 24-in storm drain under the road. These three pipes shall be shown correctly on this sheet including pipe diameters, slopes and upstream and downstream inverts.

- Sheet A-2 shows a part of the site upstream from the pond where drainage improvements are proposed. The plan must show only one option, i.e. the one that is proposed. The other options must be deleted from the plan. Either option 1 or option 2 shall be selected, and the plans and calculations must be revised to reflect only that option. The pumping option 3 is not acceptable. Show all existing and proposed storm drains on the plan (include lengths, diameters, materials, slopes and inverts). Show and number all proposed drainage manholes and catch basins. The plan shall clearly distinguish between existing and proposed pipes and box culverts. Provide a profile drawn to scale for all proposed storm sewers and construction details for all structures drawn to scale. The profile and details may be shown on other sheets.

- Sheet A-3 shows the proposed OCS drawn to scale. However, the detail does not show all dimensions, elevations, inverts, pipe sizes, adjacent walls and grades, existing and proposed normal pond levels, 100-yr water level, etc. Include sections through the seawall and existing pipes. The detail must

be complete so that a contractor has all necessary information to build it. The OCS shall include a concrete weir, not steel. The width of the weir notch shall agree with the calculations, i.e. 19-in wide with its crest at the new permanent pond water level (EL68.75).

- Sheet A-4 shows Miscellaneous Details including grating details and steel weir details. The steel weir details are to be replaced with a concrete weir. The grating details shall be revised to suit the revised concrete structure. The grating detail and notes for the OCS must specify the exact material required. It shall specify SS, Aluminum, Fiberglass, etc, it shall not be left to the contractor to decide.

- Sheet A-5 shows Miscellaneous Details including optional details of the proposed seawall penetrations. The plan must show only one option, i.e. the one that is proposed. The other options must be deleted from the plan. Either option 1 or option 2 should be selected, and the plans and calculations must be revised to reflect only that option. These details are incomplete. Construction details must show a plan view and appropriate sections and shall provide all information so that a contractor has all necessary information to build it.

- Sheets A-6 and A-6B contain notes. Although it is acceptable to place notes on separate sheets, the Consultant prefers to see notes relating to a specific component on the same sheet as the component (e.g. notes relating to the OCS shall be placed on the sheet that contains the OCS detail, and notes relating to dredging shall be placed with the dredging details). The notes must be revised to reflect the elimination of options. These two sheets can be used for the sewer profiles and structure details, i.e. details for the proposed catch basins, manholes and box culverts.

- Sheet A-7 shows Dredging Details. The dredging details and notes must be in accordance with NYSDEC requirements.

- Sheets A-8 and A-9 show Project Location Maps and details for the existing OCS respectively. Sheet A-8 is not required since a location map is shown on the Title Sheet A-0. The details for the existing OCS shall be moved to Sheet A-1.

- Maintenance responsibility for the storm water management facilities shall be vested with a responsible authority by means of a legally binding and enforceable maintenance agreement that is executed as a condition of plan approval (per NYSDEC Stormwater Guidelines Section 6.1.6). The maintenance requirements for the storm water management facilities must be added to the plans. This maintenance agreement is intended to allow the town to enter the property to maintain the storm water management facilities should the Applicant fail to do so.

Calculations:

- Calculations shall be on 8" x11" paper and shall be bound separately from the plans. Small maps and figures may be included as 11" x17" fold outs. Calculations shall be in the English system (not metric); flow rates shall be in CFS (not gpm) and volumes in CF or Acre-ft. All references to metric system units shall be deleted.

- The calculations for the onsite storm sewer/box culverts appear to be incomplete. They do not indicate the maximum water elevations at the inlet and outlet of the culvert upon which the inlet and outlet control flow rates are based. The Drainage Consultant recommends that these calculations be reviewed and revised as necessary.

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

The Board's Drainage Consultant further note that since the Applicant is not proposing additional development, the provision of even a small amount of detention storage can only be beneficial provided the pond discharge rate is not increased. Under this approach the proposed OCS would regulate the discharge rate to equal or less than that of existing conditions.

7. The Short Environmental Assessment Form appears to be in order.

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

a) The concerns expressed in the April 19, 2010 letter from the New York State Department of Transportation (NYSDOT) shall be addressed and all required permits obtained.

b) An updated review shall be completed by the Rockland County Drainage Agency and all required permits obtained. The concerns expressed and the requests made in the April 15, 2011 letter from the Rockland County Drainage Agency shall be addressed.

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

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

e) Prior to any grading or construction on the site, a soil and erosion control plan shall be developed that meets the New York State Guidelines for Urban Erosion and Sediment Control.

f) The Rockland County Department of Planning requests the opportunity to review any variances that may be requested from the Town of Orangetown Zoning Board of Appeals in order to implement the revised Site Plan, as required by New York State General Municipal Law, Section 239-m, (a)(v).

9. The Rockland County Department of Health (RCDOH), Environmental Health Program reviewed the site plan and based on the information provided, there are no Rockland County Health Department approvals needed in association with Planning Board approval.

10. The New York State Department of Transportation (NYSDOT) reviewed the drainage report and had the following comments which are incorporated herein as conditions of approval:

- The drainage report does not clearly address the impacts to the existing state drainage system. With enhance flow to the pond and larger weir, it is likely to lead to increased flow to the state drainage system. The report shall clearly summarize existing and proposed peak storm water discharge to the state drainage system. Please revise accordingly.

- The drainage structure and grate in the NYSDOT right of way must meet current NYSDOT specifications.

11. The New York State Department of Conservation reviewed the plans and noted that the following permits will be required: Protection of Waters, Master Habitat Data Bank and Freshwater Wetlands, and that other permits from NYSDEC or other agencies may be required.

12. The Rockland County Drainage Agency (RCDA) reviewed this proposal and based on the information provided and maps available to the RCDA, the site has been determined to be outside the jurisdiction of the RCDA. The review and approvals concerning drainage and stormwater management conditions in this matter appear to be within the jurisdiction of the Town of Orangetown.

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

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

- Rockland County Drainage Agency
- Rockland County Health Department
- Rockland County Department of Planning
- Rockland County Sewer District #1

- Town of Orangetown Zoning Board of Appeals
- New York State Department of Transportation

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

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

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

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

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

- One (1) foot radius from trunk per inch DBH
- Drip line of the Tree Canopy. The method chosen should be based on providing the maximum protection zone possible. A barrier of snow fence or equal is to be placed and maintained one yard beyond the established tree protection zone. If it is agreed that the tree protection zone of a selected tree must be violated, one of the following methods must be employed to mitigate the impact:
 - 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.

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 DEMA with a plan and profile of the graded road to be paved in order that these departments may review the drawings conformance to the approved construction plans and the Town Street Specifications
- 24. The Planning Board shall retain jurisdiction over lighting, landscaping, signs and refuse control.

The foregoing Resolution was made and moved by Kevin Garvey and 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 8, 2010
Town of Orangetown Planning Board
 attachment

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

PB #10-18: Town of Orangetown Planning Board Decision
Thorpe Village Wetlands Remediation Project Site Plan, Approved Subject to Conditions/Neg. Dec.
December 8, 2010

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: Thorpe Village Wetlands Remediation Project Site Plan, Approved Subject to Conditions/Neg. Dec.

SEQR STATUS: Type I _____ Unlisted XXXXXX

CONDITIONED NEGATIVE DECLARATION: Yes _____ No XXXXXX

DESCRIPTION OF ACTION: Site Plan Review

LOCATION: The site is located at 125 Route 340, Sparkill, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown. Tax Map as Section 74.16, Block 1, Lot 23 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

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**Town of Orangetown Planning Board Decision
December 8, 2010**

PB #10-41: St. Thomas Aquinas Athletic Field Site Plan - Preliminary Approval Subject to Conditions/ Neg. Dec.

TO: John Atzl, Atzl, Scatassa & Zigler, 234, North Main Street, New City, New York 10956
FROM: Orangetown Planning Board

RE: St. Thomas Aquinas College Site Plan: Application of Anni Donini, Special Assistant to the President, applicant, for St. Thomas Aquinas College, owner, for Prepreliminary/ Preliminary Site Plan Review for a site to be known as "St. Thomas Aquinas College Athletic Field Site Plan" in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21A of the Code of the Town of Orangetown and to determine the environmental significance of the application pursuant to the requirements of the New York State Environmental Quality Review Act. The site is located at 280 Route 340, Sparkill, New York; on the south side of Route 340, 850 feet west of the intersection of Kings Highway, Sparkill, Town of Orangetown, Rockland County, New York and as shown on the Orangetown Tax Map as Section 74.20, Block 1, Lot 23, in the R-40 zoning district.

Heard by the Planning Board of the Town of Orangetown at meetings held **September 15 and December 8, 2010** at which time the Board made the following determinations:

September 15, 2010

John Atzl and Anni Donini appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated September 8, 2010.
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 15, 2010.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., September 10, 2010.
4. A letter from HDR, signed by Harvey Goldberg, P.E., dated September 7, 2010.
5. Letters from Rockland County Department of Planning, signed by Eileen Miller, dated August 30, 2010 and Salvatore Corallo, Commissioner of Planning, dated September 2, 2010.
6. Letters from the Rockland County Department of Highways, signed by Joseph Arena, dated July 29 and August 4, 2010.

7. A letter from Rockland County Drainage Agency, signed by Shajan Thottakara, P.E., dated August 27, 2010.
8. A letter from Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer, dated August 13, 2010.
9. Letters from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated July 29, 2010.
10. A letter from the New York State Department of Environmental Conservation, Division of Environmental Permits, Region 3, signed by Joseph Murray, Environmental Analyst I, dated August 24, 2010.
11. A letter from the Town of Orangetown Zoning Board of Appeals, signed by William Mowerson, Chairman, dated September 1, 2010.
12. A Full Environmental Assessment Form signed by Anne Donini, dated July 19, 2010.
13. A copy of a letter from the Department of the Army dated July 14, 2010, with an attached copy of a letter from Robert Torgersen, LA, CPESC, to the US Department of Army, dated June 30, 2010.
14. Submitted by the applicant, photographs of the site.
15. Stormwater Management Report & Water Quality and Quantity System Design prepared by Ray Ahmadi, Ph.D., P.E., dated July 15, 2010.
16. Athletic Field Plans prepared by Atzl, Scatassa & Zigler, dated June 30, 2010, last revision dated of July 12, 2010:
 - Drawing No. 1: Existing Conditions
 - Drawing No. 2: Site Plan
 - Drawing No. 3: Grading Plan
 - Drawing No. 4: Wetlands Map
 - Drawing No. 5: Detail Sheet

The applicant requested a **CONTINUATION**

December 8, 2010

John Atzl and Anni Donini appeared and testified.

The Board received the following communications:

1. Project Review Committee Reports dated September 22, October 6, October 20, November 3 and December 1, 2010.
2. Interdepartmental memorandums from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated September 29, October 13, October 27, November 10 and December 8, 2010.
3. Interdepartmental memorandums from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., September 27 and December 1, 2010.
4. Letters from HDR, signed by Harvey Goldberg, P.E., dated September 27 and December 8, 2010.
5. A letter from the Rockland County Department of Highways, signed by Joseph Arena, dated December 6, 2010.
6. A letter from the New York State Department of Transportation, signed by Mary Jo Russo, P.E., Rockland County Permit Engineer, dated December 3, 2010.
7. Stormwater Management Report and Water Quality and Quantity System Design, prepared by Atzl, Scatassa & Zigler, dated July 15, 2010, last revised November 11, 2010.
8. Athletic Field Plans prepared by Atzl, Scatassa & Zigler, dated June 30, 2010, last revision dated of November 17, 2010:
 - Drawing No. 1: Existing Conditions
 - Drawing No. 2: Site Plan
 - Drawing No. 3: Grading Plan
 - Drawing No. 4: Wetlands Map
 - Drawing No. 5: Detail Sheet
 - Drawing No. 6: Detail Sheet
 - Drawing No. 7: Detail Sheet

The Board reviewed the plan.

There being no one to be heard from the Public, a motion was made to close the Public Hearing portion of the meeting by Kevin Garvey and second by Andy Stewart 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 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 Andy Stewart 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.

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 Atzl, Scatassa & Zigler and having heard from the following offices, officials and/or Departments: (Town of Orangetown): Project Review Committee, Office of Building, Zoning, Planning Administration and Enforcement and Department of Environmental Management and Engineering; and having heard from the following involved and interested agencies: Town of Orangetown Zoning Board of Appeals, Rockland County Department of Planning, Rockland County Department of Highways, Rockland County Drainage Agency, Rockland County Department of Health, Rockland County Sewer District No.1, and having reviewed proposed Site Plans by prepared by Atzl, Scatassa & Zigler, dated June 30, 2010, last revision dated of November 17, 2010; a summary of the reasons supporting this determination are, and the Planning Board finds, that the proposed action:

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

On motion by Kevin Garvey and seconded by Jeffrey Golda 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 pursuant to SEQRA.

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

1. The following note shall be placed on the Site Plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a meeting."
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. Approval letters from the New York State Department of Environmental Conservation and Army Corp of Engineers will be required for the proposed Athletic Fields.
4. Approval from the New York State Department of Transportation will be required for the new parking lot entrance onto Route 340.
5. The following variances from the Town of Orangetown Zoning Board of Appeals need to be sought:
 - a. A Minimum of a 100 foot Front Yard is required and 10 feet is proposed.
 - b. A Minimum of a 100 foot Side Yard is required and 7 feet is proposed.
 - c. A Minimum of 200 feet for Total Side Yards is required and 17 feet is proposed.
 - d. The parking area is required to be paved and gravel is proposed.
6. The Full Environmental Assessment Form appears to be in order.
7. The revised Storm Water Pollution Prevention Plan is under review by DEME. However, the applicant's engineer shall explain the drastic jump in the time of concentration between the existing conditions and the proposed conditions. The SWPPP shall be revised to indicate how water quality will be achieved with the proposed system (i.e. not just quantity).
8. The proposed sanitary sewer building connection detail shall include all inverts. A detail for the same shall be added to the drawings.
9. Copies of all correspondence, including any and all approvals, with the New York State Department of Environmental Conservation, U.S. Army Corps of Engineers, the Rockland County Drainage Agency, etc., in connection with this proposed site plan, shall be supplied to the Planning Board and DEME, prior to signing the map.
10. The applicant shall provide an easement over the new parking area to the Town or Orangetown Sewer Department, in a form acceptable to DEME and the Town Attorney's Office.
11. The site is located on the south side of NYS Route 340 approximately 850 feet west of the intersection with Kings Highway in Sparkill. The 10.6177 acre site contains a softball field and approximately 4 acres of wetlands. A small stream crosses Route 340 and flows through the site toward the Sparkill Creek. A NYSDEC and ACOE wetlands approximately 4.5 acres is located on the site. Access to the site is from Route 340.

The Applicant proposes to build a new soccer field and improve the existing softball field. Artificial turf will replace existing grass. A small parking lot and toilet facilities are also proposed. Revised drainage calculations have been provided.

In the Planning Board Drainage Consultant's previous review letter dated September 27, 2010, they said that in their opinion, the proposed underground pipe system does not meet NYSDEC guidelines and is therefore unacceptable. The Consultant requested that the Applicant revise their plan to include one of the five acceptable stormwater management practices listed in Chapter 5 of the guidelines to store and treat the required volume of stormwater runoff.

The Applicant has submitted the following in response to that letter:

- Stormwater Management Report Dated July 15, 2010, Revised November 11, 2010.
- Site Plans Dated June 30, 2010, last revised November 17, 2010 Sheets 1 through 7.

Upon review of the revised plans and calculations, the Board's Drainage Consultant believes that the proposed development can be revised to achieve a zero net increase in runoff rate from the developed site and therefore recommends acceptance for drainage subject to the following conditions:

CALCULATIONS

- Since there is no evidence that shallow concentrated flow occurs on the existing field, the flow length for existing condition sheet flow of 150-ft is acceptable. However, the maximum length for developed condition sheet flow is 100-ft. The calculations for time of concentration must be revised. The additional length of sheet flow in excess of 100-ft should be considered as concentrated flow in the calculation. The sections of the stormwater report that are affected by this revision as well as the plans must be revised.
- The calculation narrative says that the trench drains will temporarily store the runoff. However, the Board's Consultant could not find calculations that indicate how this will occur. They are concerned that the slopes of the trench drains are too steep and will not store the runoff as intended.

PERMITS

- The Applicant proposes to fill part of the wetlands. Appropriate NYSDEC and ACOE permits must be obtained.
- The site is located on a tributary of the Sparkill Creek and may be within the jurisdiction of the Rockland County Drainage Agency (RCDA). This agency must be contacted to determine if a RCDA permit is required, and the Applicant shall obtain such permit if necessary.

PLANS

- A macadam berm is proposed to direct runoff from the gravel parking area to the basin. However, there is not a detail of the berm on the plans. The Planning Board Drainage Consultant is also concerned that a macadam berm will not last and will allow runoff to bypass the basin and flow directly to the stream. They recommend a concrete curb be provided and that a detail of the curb be added to the plan.
- Sheet 8 Turf Layout is listed in the index on Sheet 1, but is not included in the submittal. This drawing must be provided and shall indicate the extent of the artificial turf and shall include an installation plan detail and sections.

- Systems 1 and 2 and the numbering of the control structures are confusing and may be incorrect. The Consultant recommends that the control structures be renumbered to CS-1A and CS-1B for system 1 and CS-2A and CS-2B for system 2. The control structure for the pond should be renumbered CS-3.

- The pond area and the two sand filters, detention pipe, control structure areas are shown on Sheet 3 at 1"=30' scale and are difficult to read. The plan view for these three areas should be enlarged to 1"=10' scale and should show all components in correct orientation. An additional drawing may be necessary.

- The pond is shown in plan on Sheet 3, and a detail of the pond control structure on Sheet 6. This plan and detail are insufficient. A detailed plan and sections for the pond must be provided to describe these facilities and to provide information to permit construction. The pond control structure should have a second section cut 90 degrees from the section shown. The detail indicates that three openings will be gated down to smaller openings but does not provide a detail of this. How will these small orifices be prevented from clogging? See Appendix K in NYSDEC Stormwater Manual.

- All headwalls and pipes that discharge to the stream must have properly sized stone aprons. Provide calculations in accordance with NYSDEC requirements for sizing these aprons and details for each apron.

- All outlet pipes shall be a minimum of 15-in diameter.

- Provide a detail, including plan and section, for the two detention storage pipes drawn to scale. Include all dimensions, elevations, pipe diameters, inverts and materials. Provide information and calculations for the control of flows out of the storage pipe, i.e. provide details for the outlet control device.

- Provide hydraulic profiles for a 100-yr design storm for all three systems drawn to a vertical scale. As a minimum include the trench drains, inlet control structures, sand filters and outlet control structures in the profile. Show the inlet pipes to and the outlet pipes from the detention storage pipes.

- The trench drain invert to CS-1 is not shown on the plan on Sheet 3. The width, depth and slope of the trench drains must also be shown on the plan.

- It is unclear if the sand filter detail on Sheet 5 applies to both systems 1 and 2. The labels to and from structure numbers must be double noted for each system. Alternatively, two separate details may be provided. The inlet and outlet pipes shown on the detail both say from CS-1, which is incorrect and must be corrected.

- Maintenance responsibility for the storm water management facilities shall be vested with a responsible authority by means of a legally binding and enforceable maintenance agreement that is executed as a condition of plan approval. The maintenance requirements for the storm water management facilities must be added to the plans.

- Additional comments may be added based on response to these comments.

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

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

- As indicated in the August 27, 2010 letter from the Rockland County Drainage Agency, a permit will be required.

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

- The concerns expressed in the August 24, 2010 letter from the New York State Department of Environmental Conservation shall be addressed and all required permits obtained.

- There shall be no net increase in stormwater runoff.
- 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.
- Landscaping, lighting and signage plans that meet all Town requirements must be provided.
- 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).

13. The Rockland County Department of Highway reviewed the plans and information provided and found the proposed action shall have a diminimus impact upon county roads in the area.

14. Based upon Rockland County Drainage Agency (RCDA) evaluation of available mapping and information submitted, it has been determined that the proposed activity is within the jurisdiction of the RCDA. Accordingly, a permit from the RCDA pursuant to the Rockland County Stream Control Act, Chapter 846, is required.

15. Rockland County Sewer District (District) had the following comments which are incorporated herein as conditions of approval:

- This project does not affect any District facilities;
- The District maintains sewers in an easement on the above property. Although this proposal does not appear to affect the easement, Rockland County Sewer District, the following information is offered by the District:

- a)** No permanent structures may be built within the District easements.
- b)** 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.
- c)** To prevent any damages 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 regrading, raising or lowering of manhole frames, or working in close proximity to sewers and manholes within the easement. The District office must approve any construction to be done with the District easements.
- d)** A 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 with its easements.
- e)** The applicant must inform the District if any development is this project change to affect the Rockland County Sewer District No.1.

16. Rockland County Department of Health reviewed the Site Plan and found that the application is to be made to RCDOH for review of the storm water management system for compliance with the County Mosquito Code.

17. The New York State Department of Environmental Conservation indicated that based upon its review of the circulated documents, it is apparent that the project is a Type I action in accordance with 6 NYCRR Park 617, the State Environmental Quality Review Act (SEQR), since it involves a project or action that involves the physical alteration of 10 acres. Based upon review of the circulated documents, NYSDEC has identified the following environmental concerns in connection with this project:

- 1) The project site is located within a New York State regulated wetland; specifically, Freshwater Wetland NA-1- and its regulated 100-foot-wide adjacent area, and a Freshwater Wetlands Permit pursuant to Article 24 of the New York State Environmental Conservation Law will be required by NYSDEC Division of Environmental Permits. That office is currently reviewing the project sponsor's application for said Freshwater Wetlands Permit. It appears that the impact to the wetland has been significantly reduced compared to the initial proposal received

by NYSDEC in 2008. In addition, mitigation measures offered should more than offset impacts to the wetland that cannot be avoided. Therefore, the current plans, prepared by Atzl, Scatazza & Zigler, P.C., dated June 30, 2010, last revised July 12, 2010, will likely meet Permit Issuance Standards. However, pursuant to 6 NYCRR Part 621.3 (7), NYSDEC cannot consider this application complete until the Lead Agency issues a determination of significance satisfying their requirements under SEQRA.

2) Note that the United State Department of Army, Corps of Engineers' New York District Office (ACOE) also has authority under federal law to regulate wetlands in New York State. An ACOR permit may be required for this proposal. If Federal Wetlands are involved, the ACOE may require Water Quality Certification from the DEC.

3) The tributary of the Sparkill Creek (Index # H-13-6) existing on site is not a protected stream and, therefore, will not require a Protection of Water Permit from NYSDEC. However, the project sponsor should contact the Rockland County Drainage Agency (RCDA) concerning RCDA regulatory jurisdiction over said stream.

4) Since project activities will involve land disturbance of over 1 acre, the project sponsor is required to obtain a State Pollutant Discharge Elimination System General Permit (GP-0-08-001) for Stormwater Discharge from Construction Activities. Since this site is within an MS4 area (Municipal Separate Storm Sewer System), the SWPPP must be reviewed and accepted by the municipality and the MS-4 Acceptance Form must be submitted to NYSDEC. Other permit will not be issued until the SWPPP is approved. Authorization for coverage under the SPDES General Permit is not granted until NYSDEC issues any other necessary DEC permits.

5) Although the primary regulatory authority for water quality and quantity issues reside with the Town, the NYSDEC is willing to provide assistance and guidance for this project. Please be aware that the SWPPP accepted by the Town must show the feasibility and effectiveness of installing drainage structures under the artificial turf that will not impact flooding. This is especially important here in an area that has had flooding issues in the past.

18. The New York State Department of Transportation (NYSDOT) had the following comments which are incorporated herein as conditions of approval:

- The proposed drainage will not have an impact on the drainage along Route 340. NYSDOT acceptance for this project will be based on the approval from the Town of Orangetown Town Engineer.

- The comments in the letter dated September 20, 2010 have not been addressed in the revised plans:

(1) The width and radius of the driveway shall be shown on the plans. The plans shall be provided in 20 scale.

(2) The available sight distance shall be shown on the plans.

(3) The plans shall identify the nearest highway mile marker number.

(4) The plans shall identify the posted speed limit.

(5) Land and shoulder widths shall be shown on the plans.

(6) More details will be needed of the curb alignment along the existing catch basins to determine if any adjustments will be necessary.

(7) NYSDOT reviewed the drainage study and has no comments.

19. 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 Department of Highways

- Town of Orangetown Zoning Board of Appeals

- Rockland County Sewer District #1

- New York State Department of Environmental Conservation

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

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

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

- a. No construction equipment shall be parked under the tree canopy.
- b. There will be no excavation or stockpiling of earth underneath the trees.
- c. Trees designated to be preserved shall be marked conspicuously on all sides at a 5 to 10 foot height.
- d. The Tree Protection Zone for trees designated to be preserved will be established by one of the following methods:
 - One (1) foot radius from trunk per inch DBH
 - Drip line of the Tree Canopy. The method chosen should be based on providing the maximum protection zone possible. A barrier of snow fence or equal is to be placed and maintained one yard beyond the established tree protection zone. If it is agreed that the tree protection zone of a selected tree must be violated, one of the following methods must be employed to mitigate the impact:
 - 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.

23. 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.

24. 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.

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

26. 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).

- 27. Permanent vegetation cover of disturbed areas shall be established on the site within thirty (30) days of the completion of construction.
- 28. 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
- 29. 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 John Foody 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 8, 2010
Town of Orangetown Planning Board

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

PB #10-41: St. Thomas Aquinas Athletic Field Site Plan - Preliminary Approval Subject to Conditions/ Neg. Dec.

Town of Orangetown Planning Board Decision
December 8, 2010

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: St. Thomas Aquinas Athletic Field Site Plan

SEQR STATUS: Type I _____ Unlisted XXXXXX

CONDITIONED NEGATIVE DECLARATION: Yes _____ No XXXXXX

DESCRIPTION OF ACTION: Site Plan Review

LOCATION: The site is located at 280 Route 340, Sparkill, New York; on the south side of Route 340, 850 feet west of the intersection of Kings Highway, Sparkill, Town of Orangetown, Rockland County, New York and as shown on the Orangetown Tax Map as Section 74.20/1/2 in the LO 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

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**Town of Orangetown Planning Board Decision
December 8, 2010**

**PB #10-56: Beckerle Lumber Supply Company Site Plan - Preliminary
Approval Subject to Conditions/ Neg. Dec.**

TO: Laurence Pete Beckerle, Jr., 3 Chestnut Street, Spring Valley,
New York 10977
FROM: Orangetown Planning Board

RE: Beckerle Lumber Supply Company Site Plan: The application of Beckerle Lumber Supply Company, Inc, owner, for Prepreliminary/ Preliminary Site Plan Review at a site known as "Beckerle Lumber Supply Company Site Plan", in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21A of the Code of the Town of Orangetown and to determine the environmental significance of the application pursuant to the requirements of the New York State Environmental Quality Review Act. The site is located at 219 Route 303, Orangeburg, Town of Orangetown, Rockland County, New York; and as shown on the Orangetown Tax Map as Section 74.15, Block 1, Lot 5; in the LI zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **December 8, 2010** at which time the Board made the following determinations:

Steven Collazuol, Laurence Beckerle and Michael Beckerle appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated December 1, 2010.
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 8, 2010.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., December 1, 2010.
4. Letters from HDR, signed by Harvey Goldberg, P.E., dated November 24 & December 3, 2010.
5. Letters from Rockland County Department of Planning, signed Salvatore Corallo, Commissioner of Planning, dated November 24, 2010.
6. Letters from the Rockland County Department of Highways, signed by Joseph Arena, dated November 29, 2010.
7. A letter from Rockland County Drainage Agency, signed by Shajan Thottakara, P.E., dated October 22, 2010.
8. A letter from Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer, dated November 30, 2010.

9. Letters from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated October 18, 2010.
10. A letter from the New York State Department of Transportation, signed by Mary Jo Russo, P.E., Rockland County Permit Engineer, dated December 2, 2010.
11. An interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by Michael B. Bettmann, Chief Fire Inspector, dated December 1, 2010.
12. A letter from the Town of Orangetown Zoning Board of Appeals, signed by William Mowerson, Chairman, dated October 18, 2010.
13. A letter from John E. Collazuol & Associates, P.C., signed by Steven J. Collazuol, PE & LS, dated December 2, 2010.
14. A Short Environmental Assessment Form signed by Laurence Beckerle, dated October 8, 2010.
15. A copy of PB #09-42, Consultation, dated July 22, 2010.
16. Plans prepared by John E. Collazuol & Associates, P.C., dated January 5, 2010, last revised September 13, 2010, unless noted:
 - Sheet 1: Cover Sheet
 - Sheet 2: Site Plan
 - Sheet 3: Boundary & Topographic Survey, dated November 10, 2009

The Board reviewed the plan.

There being no one to be heard from the Public, a motion was made to close the Public Hearing portion of the meeting by Kevin Garvey and second 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 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 William Young 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.

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 John E. Collazuol & Associates, P.C., and having heard from the following offices, officials and/or Departments: (Town of Orangetown): Project Review Committee, Office of Building, Zoning, Planning Administration, Enforcement and Department of Environmental Management and Engineering and Bureau of Fire Prevention; and having heard from the following involved and interested agencies: Town of Orangetown Zoning Board of Appeals, Rockland County Department of Planning, Rockland County Department of Highways, Rockland County Drainage Agency, Rockland County Department of Health, Rockland County Sewer District No.1, and New York State Department of Transportation, and having reviewed proposed Site Plans by prepared by John E. Collazuol & Associates, P.C.; a

summary of the reasons supporting this determination are, and the Planning Board finds, that the proposed action:

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

On motion by Kevin Garvey and seconded by John Foody 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 pursuant to SEQRA.

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

1. The following note shall be placed on the Site Plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a meeting."
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 Zoning Bulk table needs to be amended showing the required rear yard and side yard as 50 feet and the total side yard as 100 feet.
4. The following variance will need to be sought from the Town of Orangetown Zoning Board of Appeals:
 - A.) Building "B"
 - a) A Side Yard of 50 feet is required and 10.8 feet is existing.
 - b) A Rear Yard of 50 feet is required and 40.5 feet is existing.
 - B.) Building "C"
 - a) A Front Yard of 50 feet is required and 33.9 feet is proposed.
 - b) A Side Yard of 50 feet is required and 31.3 feet is proposed.
 - c) A Rear Yard of 50 feet is required and 27.1 feet is proposed.
5. The heights of the buildings shall be indicated on the Site Plan and its conformance with the maximum height allowed be provided on the plan.

- 6.** The Site Plan shall be reviewed by the Town of Orangetown Architecture and Community Appearance Board of Review.
- 7.** The Short Environmental Assessment form appears to be in order.
- 8.** The existing storage space at the rear of the existing “showroom/ retail” building, which is noted as to be renovated on Drawing 2 of 3, is currently encroaching in Town of Orangetown sewer easement, it shall be “pulled back”/ removed from the existing easement. Also, the existing “bins” along the eastern property line shall be relocated out of the existing Town owned sanitary sewer easement.
- 9.** The proposed interlocking concrete block retaining wall, also along the eastern property line, shall be relocated out of the existing Town owned sanitary sewer easement.
- 10.** All existing sanitary mains and manholes along the northern and eastern property lines shall be shown on the drawings.
- 11.** A letter from the applicant’s engineer shall be submitted indicating how much, if any, impervious surface will be added to this site due to the proposed construction.
- 12.** The existing sanitary building connection(s) shall be shown on the Site Plan.
- 13.** The Planning Board’s Drainage Consultant reviewed the submitted plans and believed that the proposed development will not have a significant impact on drainage and recommend acceptance for drainage without conditions.
- 14.** Rockland County Department of Planning had the following comments which are incorporated herein as conditions of approval:
 - A review shall be completed by the New York State Department of Transportation and all required permits obtained.
 - A review shall be completed by the Rockland County Sewer District No. 1 and any concerns addressed.
 - A review shall be completed by the Rockland County Health Department with regards to the relocation of propane tanks and any required permits obtained.
 - The Town shall be satisfied that the Site Plan complies with the applicable provisions of the Route 303 Overlay Zone.
 - As indicated in the October 22, 2010 letter from the Rockland County Drainage Agency, a permit will be obtained from this agency.
 - There shall be no net increase in storm water runoff from the site.
 - Signage plans must meet all Town requirements. All signage must be placed out of the State road right of way.
 - A lighting plan shall be submitted that meets all Town requirements. The lighting plan shall show fields of illumination and demonstrate that no lights will shine into the State right of way.
 - 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.
 - The fire department connections shall be designated on the Site Plan and kept clear for easy access by the emergency response vehicles.
 - 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.
 - 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, (3)(a)(v).
 - The cover sheet of the plans indicates that that plans are for Tax Lots 74.15/1/5 and 74.15/1/6, while General Note 2 on the Site Plan indicates that only Tax Lot 74.15/1/5 is included. It may be for case that no Tax Lot 74.15/1/6 exists at this time. A clarification or corrections shall be provided.
 - The parking calculations table shall be revised to indicate the number of parking spaces provided.
 - A North arrow shall be added to the Vicinity Map.
- 15.** The Rockland County Department of Highway reviewed the proposed action and has determined that it should have no foreseeable adverse impact upon county roads in the area.
- 16.** Based upon Rockland County Drainage Agency (RCDA) evaluation of

available mapping and information submitted, it has been determined that the proposed activity is within the jurisdiction of the RCDA. Accordingly, a permit from the RCDA pursuant to the Rockland County Stream Control Act, Chapter 846, is required.

17. Based on the information provided there are no Rockland County Health Department approvals needed for this application.

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

19. The New York State Department of Transportation had the following comments which are incorporated herein as conditions of approval:

1) Standards require structures to be placed 15 feet behind the right of way. While the proposed sign is within the 15 foot limit, it is acceptable if it is placed on breakaway posts.

2) All landscaping in the NYSDOT right of way shall have a mature height of no greater than 2 feet and must be approved by NYSDOT. The existing plantings block sight distance of vehicles exiting the property and shall be replaced.

20. The Town of Orangetown Bureau of Fire Prevention had the following comments which are incorporated herein as conditions of approval:

1) Show the proposed storage buildings on the Site Plan and show the traffic flow and the access for emergency vehicles (fire trucks).

2) Add heat detectors connected to the fire alarm panels in each additional enclosure.

3) Show "No Parking" and "Fire Zone" markings on the Final approved Site Plan and maintain signage and striping.

4) Install portable fire extinguishers according to NFPA 10 and Part F1909.

5) Repair hydrant in front of the main showroom so that it will be usable for the Fire Department.

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

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

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

24. TREE PROTECTION: The following note shall be placed on the Site Plan:

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

a. No construction equipment shall be parked under the tree canopy.

b. There will be no excavation or stockpiling of earth underneath the trees.

c. Trees designated to be preserved shall be marked conspicuously on all sides at a 5 to 10 foot height.

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

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

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

- 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.

25. 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.

26. 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.

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

28. 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).

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

30. 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

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

Override

The Board made a motion to override Conditions #6 and #7 of the November 24, 2010 letter from Rockland County Department of Planning, signed by Salvatore Corallo, Commissioner of Planning, for the following reasons:

Condition #6: Parking spaces 7, 8, and possibly 6 are in the way of cars backing out of spaces and of cars entering the site. The parking area with eight parking spots is situated such that cars have to back all the way back to get out. Users of parking spaces 9, 10, 11, 12 and 13 must all back into the entrance area of the site. Users of parking space 21 must back all the way out of the site, as there is no area to turn around. It appears that the use of parking space 31 will be negatively impacted when the proposed covered racks are installed. Each of these conflicted points shall be eliminated and an improved site circulation design established.

The Board held that the requested parking space changes would not be made since the Board's main concern is conformity to the Bureau of Fire Department concerns for vehicular circulation on the site.

A motion to override the condition was made and moved by Kevin Garvey and seconded by William Young and carried as follows: Bruce Bond, aye; Kevin Garvey, aye; Robert Dell, aye; Andy Stewart, aye; Jeffrey Golda, aye; William Young, aye and John Foody, aye.

Condition #7: Consolidation of the access points to the site shall be considered for its potential to improve circulation to and from the site and within the subject property.

The Board held that the requested changes to the access points to the site would not be made since the Board's main concern is conformity to the Bureau of Fire Department concerns for vehicular circulation to the site.

A motion to override the condition was made and moved by Kevin Garvey and seconded by John Foody and carried as follows: Bruce Bond, aye; Kevin Garvey, aye; Robert Dell, aye; Andy Stewart, aye; Jeffrey Golda, aye; William Young, aye and John Foody, aye.

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 8, 2010
Town of Orangetown Planning Board

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

PB #10-56: Beckerle Lumber Supply Company Site Plan - Preliminary Approval Subject to Conditions/ Neg. Dec.

Town of Orangetown Planning Board Decision
December 8, 2010

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: Beckerle Lumber Supply Company Site Plan

SEQR STATUS: Type I _____ Unlisted XXXXXX

CONDITIONED NEGATIVE DECLARATION: Yes _____ No XXXXXX

DESCRIPTION OF ACTION: Site Plan Review

LOCATION: The site is located at 219 Route 303, Orangeburg, Town of Orangetown, Rockland County, New York; and as shown on the Orangetown Tax Map as Section 74.15, Block 1, Lot 5; in the LI zoning district.

REASONS SUPPORTING THIS DETERMINATION:

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

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

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

For Further Information contact:

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

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

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PB #10-57: Dominican Sisters Emergency Generator Site Plan - Final Approval Subject to Conditions/ Neg. Dec.

**Town of Orangetown Planning Board Decision
December 8, 2010**

TO: Thomas McMenamin, P.E., 10 Sloane Court, Stony Point,
New York 10980
FROM: Orangetown Planning Board

RE: Dominican Sisters Emergency Generator Site Plan: The application of Dominican Sisters of Sparkill, applicant, for Dominican Sisters, owner, for Prepreliminary/ Preliminary/ Final Site Plan Review at a site known as "Dominican Sisters Emergency Generator Site Plan", in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21A of the Code of the Town of Orangetown and to determine the environmental significance of the application pursuant to the requirements of the New York State Environmental Quality Review Act. The site is located at 175 Route 340, Sparkill, Town of Orangetown, Rockland County, New York; and as shown on the Orangetown Tax Map as Section 74.16, Block 1, Lot 2.1; in the R-40 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **December 8, 2010** at which time the Board made the following determinations:

Thomas McMenamin and Sister Joanne Deas appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated December 1, 2010.
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 8, 2010.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., December 1, 2010.

4. Letters from Rockland County Department of Planning, signed Salvatore Corallo, Commissioner of Planning, dated November 29 & 30, 2010.
5. Letters from the Rockland County Department of Highways, signed by Joseph Arena, dated November 29, 2010.
6. A letter from Rockland County Drainage Agency, signed by Shajan Thottakara, P.E., dated November 5, 2010.
7. A letter from Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer, dated November 30, 2010.
8. A letter from the New York State Department of Transportation, signed by Mary Jo Russo, P.E., Rockland County Permit Engineer, dated December 2, 2010.
9. A Short Environmental Assessment Form signed by Sr. Joanne Deas, submitted September 8, 2010.
10. A copy of PB #09-42, Consultation, dated July 22, 2010.
11. Plans prepared by Thomas McMenamin, P.E., dated September 27, 2010;
 - Drawing T-1: Title Page
 - Drawing S-1: Amended Site Plan
 - Drawing D-1: Details
 - Drawing D-2: Details
 - Drawing SP-1: 2003 Approved Site Plan (for Reference Only)
12. Specification for the proposed generator: Generac Primary Codes and Standards for Sub-Base Diesel Tanks.
13. Noise Attenuation by Distance calculations.
14. A letter from the Town of Orangetown Zoning Board of Appeals, signed by William Mowerson, Chairman, dated November 3, 2010.

The Board reviewed the plan.

There being no one to be heard from the Public, a motion was made to close the Public Hearing portion of the meeting by Kevin Garvey and second by William Young 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 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 John Foody 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.

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 Thomas McMenamin, P.E., and having heard from the following offices, officials and/or Departments: (Town of Orangetown): Project Review Committee, Office of Building, Zoning, Planning Administration, Enforcement and the Department of Environmental Management and Engineering and having heard from the following involved and interested agencies: Town of Orangetown Zoning Board of

Appeals, Rockland County Department of Planning, Rockland County Department of Highways, Rockland County Drainage Agency, Rockland County Department of Health, Rockland County Sewer District No.1, and New York State Department of Transportation, and having reviewed proposed Site Plans by prepared by Thomas McMenemy, P.E.; a summary of the reasons supporting this determination are, and the Planning Board finds, that the proposed action:

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

On motion by Kevin Garvey and seconded by Jeffrey Golda 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 pursuant to SEQRA.

A motion was made to waive the applicant's appearance before the Town of Orangetown Architecture and Community Appearance Board of Review, since the generator was adequately screened with existing vegetation. The motion was made by Kevin Garvey and seconded by Robert Dell 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.

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

1. The following note shall be placed on the Site Plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a meeting."
2. The following note shall be placed on the Site Plan regarding Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.
3. The generator will require Performance Standard review by the Town of Orangetown Zoning Board of Appeals.

4. The Short Environmental Assessment form appears to be in order, however the form needs to be dated by the signature line.
5. The Rockland County Department of Highway reviewed the proposed action and has determined that it should have no foreseeable adverse impact upon county roads in the area.
6. 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 requested based upon its review of the information provided.
7. Based on the information provided there are no Rockland County Health Department approvals needed for this application.
8. The Rockland County Sewer District #1 does not object to the plan as shown. This project does not affect any sanitary sewers within the District and request no future correspondence for this site.
9. The New York State Department of Transportation feels that the project will have no significant impact on the state transportation system.
10. The following agencies do not object to the Town of Orangetown Planning Board assuming responsibilities of lead agency for SEQRA purposes:
 - Rockland County Department of Planning
 - Rockland County Department of Highways
 - Rockland County Drainage Agency
 - Town of Orangetown Zoning Board of Appeals
 - Rockland County Sewer District #1
 - New York State Department of Transportation
11. The applicant shall comply with all pertinent items in the Guide to the Preparation of Site Plans prior to signing the final plans.
12. All reviews and approvals from various governmental agencies must be obtained prior to stamping of the Site Plan.
13. TREE PROTECTION: The following note shall be placed on the Site Plan: The Tree Protection and Preservation Guidelines adopted pursuant to Section 21-24 of the Land Development Regulations of the Town of Orangetown will be implemented in order to protect and preserve both individual specimen trees and buffer area with many trees. Steps that will be taken to reserve and protect existing trees to remain are as follows:
 - a. No construction equipment shall be parked under the tree canopy.
 - b. There will be no excavation or stockpiling of earth underneath the trees.
 - c. Trees designated to be preserved shall be marked conspicuously on all sides at a 5 to 10 foot height.
 - d. The Tree Protection Zone for trees designated to be preserved will be established by one of the following methods:
 - One (1) foot radius from trunk per inch DBH
 - Drip line of the Tree Canopy. The method chosen should be based on providing the maximum protection zone possible. A barrier of snow fence or equal is to be placed and maintained one yard beyond the established tree protection zone. If it is agreed that the tree protection zone of a selected tree must be violated, one of the following methods must be employed to mitigate the impact:
 - 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.
14. 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.

15. 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.

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

17. 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).

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

19. 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

20. 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 8, 2010
Town of Orangetown Planning Board

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

PB #10-57: Dominican Sisters Emergency Generator Site Plan - Final Approval Subject to Conditions/ Neg. Dec.

Town of Orangetown Planning Board Decision
December 8, 2010

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: Dominican Sisters Emergency Generator Site Plan

SEQR STATUS: Type I _____ Unlisted XXXXXX

CONDITIONED NEGATIVE DECLARATION: Yes _____ No XXXXXX

DESCRIPTION OF ACTION: Site Plan Review

LOCATION: The site is located at 175 Route 340, Sparkill, Town of Orangetown, Rockland County, New York; and as shown on the Orangetown Tax Map as Section 74.16, Block 1, Lot 2.1; 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

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PB #10-58: Anda Realty Site Plan - Preliminary Approval Subject to Conditions/ Neg. Dec.

**Town of Orangetown Planning Board Decision
December 8, 2010**

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

FROM: Orangetown Planning Board

RE: Anda Realty Site Plan: The application of Anda Realty LLC, owner, for Preliminary/ Preliminary/ Final Site Plan Review at a site known as “Anda Realty Site Plan”, in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21A of the Code of the Town of Orangetown and to determine the environmental significance of the application pursuant to the requirements of the New York State Environmental Quality Review Act. The site is located at 153 East Central Avenue, Pearl River, Town of Orangetown, Rockland County, New York; and as shown on the Orangetown Tax Map as Section 68.16, Block 6, Lot 39; in the CS zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **December 8, 2010** at which time the Board made the following determinations:

Enda McCormack and Donald Brenner appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated December 1, 2010.
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 8, 2010.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., December 1, 2010.
4. Letters from HDR, signed by Harvey Goldberg, P.E., dated November 24 & December 7, 2010.
5. Letters from Rockland County Department of Planning, signed Salvatore Corallo, Commissioner of Planning, dated November 30, 2010.
6. Letters from the Rockland County Department of Highways, signed by Joseph Arena, dated November 29 & 30, 2010.
7. A letter from Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer, dated November 30, 2010.
8. Letters from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated October 29, 2010.
9. An interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by Doug Sampath, Fire Inspector, dated December 3, 2010.
10. A letter from the Town of Orangetown Zoning Board of Appeals, signed by William Mowerson, Chairman, dated November 3, 2010.
11. A Short Environmental Assessment Form signed by Enda McCormack, dated September 29, 2010.
12. A copy of ZBA #10-64, Side Yard, Total Side Yard and Rear Yard Variances Approved with Conditions, dated September 1, 2010.
13. A Site Plan prepared by James Tanner, R.A., last revised July 21, 2010.
14. A copy of a letter to Harvey Goldberg, P.E., HDR, dated December 1, 2010.
15. A letter from Karl Ackermann, AIA, dated December 8, 2010.

The Board reviewed the plan.

Public Comment:

Karl Ackermann, 159 East Central Avenue, an abutting property owner, raised concerns regarding the proposed site plan. He discussed the Zoning Board Appeals decision (ZBA #10-64 - dated September 1, 2010) and requested that the fence sharing condition in the ZBA decision be withdrawn by the Planning Board. Mr. Ackerman believed that the presentation at the Planning Board differed from that of the Zoning Board of Appeals and that the site would be used as an auto repair shop or a construction site.

A motion was made to close the Public Hearing portion of the meeting by Kevin Garvey and second by William Young 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 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 John Foody 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.

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 James Tanner, R.A., and having heard from the following offices, officials and/or Departments: : Henningson, Durham & Richardson Architecture and Engineering, P.C., the Town of Orangetown Planning Board Drainage Consultant, (Town of Orangetown): Project Review Committee, Office of Building, Zoning, Planning Administration, Enforcement and Department of Environmental Management and Engineering and Bureau of Fire Prevention; and having heard from the following involved and interested agencies: Town of Orangetown Zoning Board of Appeals, Rockland County Department of Planning, Rockland County Department of Highways, Rockland County Department of Health, and Rockland County Sewer District No.1, and having reviewed proposed Site Plans by prepared by James Tanner, R.A.; a summary of the reasons supporting this determination are, and the Planning Board finds, that the proposed action:

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

On motion by Kevin Garvey and seconded by John Foody 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 pursuant to SEQRA.

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

1. The following note shall be placed on the Site Plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a

pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a meeting.”

- 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 proposed fence on the site shall be installed in accordance with the Town of Orangetown Zoning Board of Appeals decision on the back portion of the applicant’s property; (ZBA #10-64, September 1, 2010). On the front of the property, the fence shall be installed to the extent that the applicant can place the fence on their property, that portion of the fence shall be the responsibility of the applicant.
- 4.** The applicant appeared in front of the Town of Orangetown Zoning Board of Appeals on September 1, 2010, as ZBA #10-64. At that time the garage variances were granted with conditions.
- 5.** The Short Environmental Assessment form appears to be in order.
- 6.** Drainage calculations, prepared and sealed by a New York State Licensed Professional Engineer, shall be submitted to DEME for review and approval.
- 7.** Soil erosion and sediment control plans and details shall be submitted to DEME for review and approval.
- 8.** A letter from the applicant’s engineers shall be submitted indicating how much, if any, impervious surfaces will be added to this site due to the proposed construction.
- 9.** A Vicinity Map shall be provided with the Site Plan.
- 10.** Rockland County Department of Planning had the following comments which are incorporated herein as conditions of approval:
 - The concerns expressed in the August 30, 2010 letter from the Rockland County Highway Department shall be addressed and all required permits obtained.
 - There shall be no net increase in storm water runoff from the site.
 - 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.
- 11.** The Rockland County Department of Highway reviewed the proposed action and has determined that it should have no foreseeable adverse impact upon county highway system. A Rockland County Highway Department Work Permit will be required for the proposed construction, in addition to any and all permits required by the local municipality and various involved governmental agencies, and shall be secured prior to the start of any excavation or construction on the site.
- 12.** Application is to be made to the Rockland County Department of Health for review of the Stormwater Management system for compliance with the County Mosquito Code.
- 13.** The Rockland County Sewer District #1 does not object to the plan as shown. This project does not affect any sanitary sewers within the District and request no future correspondence for this site.
- 14.** The Town of Orangetown Bureau of Fire Prevention had the following comments which are incorporated herein as conditions of approval:
 - 1) A fire alarm system connected to Rockland County 44-Control shall be installed, inspected and maintained in accordance with NFPA 72, with outside amber strobe as required by the Town of Orangetown Town Code.
- 15.** 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 Department of Highways
 - Town of Orangetown Zoning Board of Appeals
 - Rockland County Sewer District #1

- 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.
 - 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.
- 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 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 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

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

The foregoing Resolution was made and moved by Kevin Garvey and 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 8, 2010
Town of Orangetown Planning Board

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

PB #10-58: Anda Realty Site Plan - Preliminary Approval Subject to Conditions/ Neg. Dec.

Town of Orangetown Planning Board Decision
December 8, 2010

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: Anda Realty Site

SEQR STATUS: Type I _____ Unlisted XXXXXX

CONDITIONED NEGATIVE DECLARATION: Yes _____ No XXXXXX

DESCRIPTION OF ACTION: Site Plan Review

LOCATION: The site is located at 153 East Central Avenue, Pearl River, Town of Orangetown, Rockland County, New York; and as shown on the Orangetown Tax Map as Section 68.16, Block 6, Lot 39; in the CS zoning district.

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

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PB #10-59: Tappan Shopping Center/Retro Fitness Gym Internal Commercial Subdivision Plan – Final Approval Subject to Conditions/ Neg. Dec.

**Town of Orangetown Planning Board Decision
December 8, 2010**

TO: J. David MacCartney, Jr., Feerick, Lynch, MacCartney, 96 South
Broadway, Nyack, New York 10960

FROM: Orangetown Planning Board

RE: Tappan Shopping Center/Retro Fitness Gym Subdivision Plan: The application of Royal Properties, applicant, for Tappan Shopping Center, Inc., owner, (J. David MacCartney, Jr., attorney for the applicant) for Preliminary /Preliminary Final Internal Commercial Subdivision Plan Review at a site to be known as "Tappan Shopping Center/Retro Fitness Gym Subdivision Plan", in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21 of the Code of the Town of Orangetown. The site is located at 51-57 Route 303, Tappan, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 77.15, Block 1, Lot 41 in the CS zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, December 8, 2010**, the Board made the following determinations:

J. David MacCartney, Jr. and Sam Vieira appeared and testified for the applicant. The Board received the following communications:

1. Project Review Committee Report dated December 1, 2010.
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 8, 2010.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., December 1, 2010.
4. Letters from Rockland County Department of Planning, signed Salvatore Corallo, Commissioner of Planning, dated December 2, 2010.
5. A letter from Rockland County Drainage Agency, signed by Shajan Thottakara, P.E., dated November 29, 2010.
6. A letter from Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer, dated November 30, 2010.
7. Letters from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated November 8, 2010.
8. A letter from the New York State Department of Transportation, signed by Mary Jo Russo, P.E., Rockland County Permit Engineer, dated December 2, 2010.
9. An interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by Michael B. Bettmann, Chief Fire Inspector, dated November 10, 2010.

10. A letter from the New York State Department of Environmental Conservation, signed by Lee Kassin, Agency Program Aide, dated November 17, 2010.
11. A Short Environmental Assessment Form signed by David Lander, President, Royal Properties, Inc.
12. A copy of PB #10-48, Consultation, dated October 27, 2010.
13. A Narrative Summary, dated November 4, 2010, prepared by J. David MacCartney, Jr., Feerick, Lynch, MacCartney PLLC, Attorneys for the Applicant, Royal Properties, Inc.
14. Subdivision Plans prepared by SFV Design Inc., dated October 8, 2010:
 - Sheet PD-1: Space/ Parking Study
 - Sheet SP-1: Site PlanAttached is a photo copy of a portion of the Site Plan, noting the location of the building on the site.

The Board reviewed the plan.

There being no one to be heard from the Public, a motion was made to close the Public Hearing portion of the meeting by Kevin Garvey and second 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 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.

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 SFV Design Inc., and having heard from the following offices, officials and/or Departments: (Town of Orangetown): Project Review Committee, Office of Building, Zoning, Planning Administration, Enforcement and Department of Environmental Management and Engineering and Bureau of Fire Prevention; and having heard from the following involved and interested agencies: Rockland County Department of Planning, Rockland County Drainage Agency, Rockland County Department of Health, Rockland County Sewer District No.1, New York State Department of Transportation and New York State Department of Environmental Conservation, and having reviewed proposed Internal Commercial Subdivision Plan by prepared by SFV Design Inc.; a summary of the reasons supporting this determination are, and the Planning Board finds, that the proposed action:

- Will not significantly affect existing air quality or noise levels;
- Will not significantly affect existing surface water quality or quantity or drainage;
- Will not significantly affect existing ground water quality or quantity;
- Will not significantly affect existing traffic levels;
- Will not create a substantial increase in solid waste production;
- Will not create a potential for erosion, flooding, leaching or drainage problems;

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

On motion by Kevin Garvey and seconded by John Foody 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 pursuant to SEQRA.

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

1. The following note shall be placed on the Subdivision Plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a meeting."
2. The Planning Board waived the requirement of the applicant's appearance before the Town of Orangetown Architecture and Community Appearance Board of Review, since the project is an internal subdivision of space and no exterior work will be completed.
3. Since the proposed project is an internal subdivision of space, the Board waived the requirement of submitting a Site Plan that conforms to Section 21 of the Town of Orangetown Code Book – Land Development Regulations.
4. The proposed use will be compatible with the existing parking layout provided.
5. The Short Environmental Assessment form appears to be in order, however the date on the form must be provided.
6. The property owner is reminded that any change in use of the existing space will require a re-assessment of the sewer unit structure for said building. The owner shall contact the Town of Orangetown Sewer Department for this re-assessment.
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.
8. Based on the information provided there are no Rockland County Health Department approvals associated with Planning Board Approval. The applicant is reminded that, if a swimming pool and/ or whirlpool are proposed, fully engineered drawings must be submitted to the Rockland County Health Department for approval prior to construction.
9. The Rockland County Sewer District #1 does not object to the plan as shown. This project does not affect any sanitary sewers within the District and request no future correspondence for this site.

10. The New York State Department of Transportation completed its review and do not have any comments at this time. Any amended plans need to be provided to NYSDOT.

11. The Town of Orangetown Bureau of Fire Prevention had the following comments which are incorporated herein as conditions of approval, (place these comments as notes on the subdivision plan):

- 1) Redesign the Fire Sprinkler system so each tenant has their own shut off valve and flow switch.
- 2) Redesign the Fire Alarm system so that each tenant has their own fire zone on the fire alarm panel.
- 3) Add Amber and Red strobes as required.
- 4) Provide portable Fire Extinguishers as per NFPA 10.
- 5) Install emergency lighting as per NEC.
- 6) Provide keys for the key box.

12. 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 Sewer District #1
- Rockland County Drainage Agency
- New York State Department of Transportation

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

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

15. 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.

16. 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.

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

18. 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).

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

20. 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

21. 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 8, 2010
Town of Orangetown Planning Board

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

PB #10-59: Tappan Shopping Center/Retro Fitness Gym Internal Commercial Subdivision Plan – Final Approval Subject to Conditions/ Neg. Dec.

Town of Orangetown Planning Board Decision
December 8, 2010

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

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

NAME OF ACTION: Tappan Shopping Center/Retro Fitness Gym Internal Commercial Subdivision Plan

SEQR STATUS: Type I _____ Unlisted XXXXXX

CONDITIONED NEGATIVE DECLARATION: Yes _____ No XXXXXX

DESCRIPTION OF ACTION: Internal Commercial Subdivision Plan

LOCATION: The site is located at 51-57 Route 303, Tappan, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 77.15, Block 1, Lot 41 in the CS 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

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PB #10-60: Quinn Subdivision Plan– Preliminary Approval Subject to Conditions, Neg. Dec.

**Town of Orangetown Planning Board Decision
December 8, 2010**

TO: Donald Brenner, 4 Independence Avenue, Tappan, New York 10983
FROM: Orangetown Planning Board

RE: Quinn Subdivision Plan: The application of Sean Quinn, owner, (Donald Brenner, attorney for the applicant) for Prepreliminary/ Preliminary Subdivision Plan Review, for a site located in the Sparkill Overlay Zone, to be known as “Quinn Subdivision Plan”, in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21 of the Code of the Town of Orangetown and to determine the environmental significance of the application pursuant to the requirements of the New York State Environmental Quality Review Act. The site is located at 3 Union Street, Sparkill, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 77.08, Block 5, Lot 48 in the CS – Mixed Use zoning district and Sparkill Hamlet Overlay Zone.

Heard by the Planning Board of the Town of Orangetown at a meeting held, **Wednesday, December 8, 2010** at which time the Board made the following determinations:

Donald Brenner and Bill Youngblood appeared and testified for the applicant. The Board received the following communications:

1. Project Review Committee Report dated December 1, 2010.
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 8, 2010.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., December 1, 2010.
4. Letters from HDR, signed by Harvey Goldberg, P.E., dated February 9, 2005, November 24 & December 7, 2010.
5. Letters from Rockland County Department of Planning, signed Salvatore Corallo, Commissioner of Planning, dated December 1 & 2, 2010.
6. Letters from the Rockland County Department of Highways, signed by Joseph Arena, dated November 29, 2010.
7. A letter from Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer, dated November 30, 2010.
8. Letters from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated November 2, 2010.
9. A Short Environmental Assessment Form signed by Sean Quinn, dated October 28, 2010.
10. A copy of Town Board Resolutions #473 through #477, granting a Special Permit for Quinn/ 3 Union Street/ Sparkill, dated August 17, 2010.
11. Subdivision Plan prepared by William D. Youngblood Land Surveying, P.C., dated October 5, 2010.
12. Drainage Calculations prepared by New Horizon Engineering, dated December 2010, an attachment of a copy of a letter to Harvey Goldberg, P.E., HDR, from Donald Brenner, P.E., LLB., dated December 6, 2010.

13. A letter from the Town of Orangetown Zoning Board of Appeals, signed by William Mowerson, Chairman, dated November 3, 2010.

The Board reviewed the plan.

There being no one to be heard from the Public, a motion was made to close the Public Hearing portion of the meeting by Kevin Garvey and second by William Young 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 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 John Foody 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.

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 William D. Youngblood Land Surveying, P.C., and having heard from the following offices, officials and/or Departments: Henningson, Durham & Richardson Architecture and Engineering, P.C. the Town of Orangetown Planning Board Drainage Consultant, (Town of Orangetown): Project Review Committee, Office of Building, Zoning, Planning Administration, Enforcement and Department of Environmental Management and Engineering; and having heard from the following involved and interested agencies: Town of Orangetown Zoning Board of Appeals, Rockland County Department of Planning, Rockland County Department of Highways, Rockland County Department of Health, and Rockland County Sewer District No.1, and having reviewed proposed Subdivision and Site Plans by prepared by William D. Youngblood Land Surveying, P.C.; a summary of the reasons supporting this determination are, and the Planning Board finds, that the proposed action:

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

- Will not have a significant adverse impact to natural resources;
- Is consistent with the Town of Orangetown's Comprehensive/Master Plan;
- Will not have adverse economic or social impacts upon the Town;
- Will not create a hazard to human health; and
- Will not create a substantial change in the use of land, open space or recreational resources.

On motion by Kevin Garvey and seconded by William Young 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 pursuant to SEQRA.

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

1. The following note shall be placed on the Subdivision Plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a meeting."
2. The following note shall be placed on the Subdivision 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 minor subdivision is being proposed in connection with a mixed use site plan under the Sparkill Hamlet Center Overlay District.
4. The Short Environmental Assessment form appears to be in order.
5. Monuments shall be drawn and labeled at all subdivision corners and along the entire right of way.
6. The applicant proposed to subdivide a 0.2841 acre (12,375 square foot) parcel into three lots. The site is located between Union Street (north side) and Washington Street (east side) in Sparkill. Typically, the subdivision of land in itself has no impact on drainage. It is only the development of land that affects drainage. Accordingly, the Planning Board Drainage Consultant recommends acceptance for drainage only for the subdivision of this lot.
7. 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 Department of Highways
 - Town of Orangetown Zoning Board of Appeals
 - Rockland County Sewer District #1
8. The applicant shall comply with all pertinent items in the Guide to the Preparation of Subdivision Plans prior to signing the final plans.
9. All reviews and approvals from various governmental agencies must be obtained prior to stamping of the Subdivision Plan.
10. **TREE PROTECTION:** The following note shall be placed on the Subdivision Plan:
 The Tree Protection and Preservation Guidelines adopted pursuant to Section 21-24 of the Land Development Regulations of the Town of Orangetown will be implemented in order to protect and preserve both individual specimen trees and buffer area with many trees. Steps that will be taken to reserve and protect existing trees to remain are as follows:
 - a. No construction equipment shall be parked under the tree canopy.
 - b. There will be no excavation or stockpiling of earth underneath the trees.
 - c. Trees designated to be preserved shall be marked conspicuously on all sides at a 5 to 10 foot height.
 - d. The Tree Protection Zone for trees designated to be preserved will be established by one of the following methods:

- One (1) foot radius from truck 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.

11. 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.

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

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

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

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

16. Prior (at least 14 days) to the placing of any road sub-base, the applicant shall provide the Town of Orangetown Superintendent of Highways and 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

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

The foregoing Resolution was made and moved by Jeffrey Golda and seconded by John Foody and carried as follows: Bruce Bond, aye; Andy Stewart, aye; William Young, aye; John Foody, aye; Robert Dell, nay; Jeffrey Golda, aye and Kevin Garvey, aye. (Mr. Dell held that the proposed layout of the subdivision created irregular shaped lots).

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 8, 2010
Town of Orangetown Planning Board

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

PB #10-60/61: Quinn Subdivision/Site Plans– Preliminary Approval Subject to Conditions

Town of Orangetown Planning Board Decision
December 8, 2010

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: Quinn Subdivision/Site Plans

SEQR STATUS: Type I _____ Unlisted XXXXXX

CONDITIONED NEGATIVE DECLARATION: Yes _____ No XXXXXX

DESCRIPTION OF ACTION: Subdivision and Site Plan Review

LOCATION: The site is located at 3 Union Street, Sparkill, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 77.08, Block 5, Lot 48 in the CS – Mixed Use zoning district and Sparkill Hamlet Overlay Zone.

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

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**PB #10-61: Quinn Site Plan– Preliminary Approval Subject to Conditions/
Neg. Dec.**

**Town of Orangetown Planning Board Decision
December 8, 2010**

TO: Donald Brenner, 4 Independence Avenue, Tappan, New York 10983
FROM: Orangetown Planning Board

RE: Quinn Site Plan: The application of Sean Quinn, owner, (Donald Brenner, attorney for the applicant) for Prepreliminary/ Preliminary Site Plan Review, for a site located in the Sparkill Overlay Zone, to be known as “Quinn Site Plan”, in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21A of the Code of the Town of Orangetown and to determine the environmental significance of the application pursuant to the requirements of the New York State Environmental Quality Review Act. The site is located at 3 Union Street, Sparkill, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 77.08, Block 5, Lot 48 in the CS – Mixed Use zoning district and Sparkill Hamlet Overlay Zone.

Heard by the Planning Board of the Town of Orangetown at a meeting held, **Wednesday, December 8, 2010** at which time the Board made the following determinations:

Donald Brenner and Bill Youngblood appeared and testified for the applicant. The Board received the following communications:

1. Project Review Committee Report dated December 1, 2010.
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 8, 2010.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., December 1, 2010.
4. Letters from HDR, signed by Harvey Goldberg, P.E., dated February 9, 2005, November 24 & December 7, 2010.
5. Letters from Rockland County Department of Planning, signed Salvatore Corallo, Commissioner of Planning, dated December 1 & 2, 2010.
6. Letters from the Rockland County Department of Highways, signed by Joseph Arena, dated November 29, 2010.
7. A letter from Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer, dated November 30, 2010.
8. Letters from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated November 2, 2010.
9. A Short Environmental Assessment Form signed by Sean Quinn, dated October 28, 2010.
10. A copy of Town Board Resolutions #473 - #477, granting a Special Permit for Quinn/ 3 Union Street/ Sparkill, dated August 17, 2010.
11. Site Plans prepared by William D. Youngblood Land Surveying, P.C., dated October 5, 2010:
 - Drawing 2 of 5: Site Plan
 - Drawing 3 of 5: Grading, Utility & Erosion Control Plan
 - Drawing 4 of 5: Landscaping & Lighting Plan
 - Drawing 5 of 5: Details
12. Drainage Calculations prepared by New Horizon Engineering, dated December 2010, an attachment of a copy of a letter to Harvey Goldberg, P.E., HDR, from Donald Brenner, P.E., LLB., dated December 6, 2010.
13. A letter from the Town of Orangetown Zoning Board of Appeals, signed by William Mowerson, Chairman, dated November 3, 2010.

The Board reviewed the plan.

There being no one to be heard from the Public, a motion was made to close the Public Hearing portion of the meeting by Kevin Garvey and second by William Young 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.

Reaffirmation of SEQRA:

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 William D. Youngblood Land Surveying, P.C., and having heard from the following offices, officials and/or Departments: Henningson, Durham & Richardson Architecture and Engineering, P.C. the Town of Orangetown Planning Board Drainage Consultant, (Town of Orangetown): Project Review Committee, Office of Building, Zoning, Planning Administration, Enforcement and Department of Environmental Management and Engineering; and having heard from the following involved and interested agencies: Town of Orangetown Zoning Board of Appeals, Rockland County Department of Planning, Rockland County Department of Highways, Rockland County Department of Health, and Rockland County Sewer District No.1, and having reviewed proposed Subdivision and Site Plans by prepared by William D. Youngblood Land Surveying, P.C.; a summary of the reasons supporting this determination are, and the Planning Board finds, that the proposed action:

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

On motion by Kevin Garvey and seconded by William Young 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 reaffirmed the Negative Declaration pursuant to SEQRA.

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

1. The following note shall be placed on the Site Plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a meeting."
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 Final Site Plan must be prepared and sealed by a Licensed Land Surveyor and Professional Engineer.
4. As part of the Final Site Plan review, a fence may be required along the Eastern property line.
5. On the Short Environmental Assessment,(EAF) Item #8 shall be answered "No" and "Zoning Board of Appeals" listed. EAF shall be revised and resubmitted.
6. The following Zoning Board of Appeals variances need to be sought:

Lot #1:

- a. Required Front Yard of 0 or 25 feet and 1.9 feet is proposed.
- b. Required Rear Yard of 25 feet and 0 feet is proposed.

Lot #2:

- a. Required Front Yard of 0 or 25 feet and 1.8 feet is proposed.
- b. Required Rear Yard of 25 feet and 0 feet is proposed.

Lot #3:

- a. Required Front Yard of 0 or 25 feet and 1.8 feet proposed.
- b. Required Rear Yard of 25 feet and 0 feet proposed.

7. The West property line for Lot #3 appears to have a side yard setback from the proposed building as drawn on the Site Plan, however a dimension is not shown. Please clarify. The Total side yard required may change based on this item. Please note that the Planning Board, in its discretion, may modify the minimum side yard and the minimum total side yard set backs. (Section 14.5, F(f) and F(6)).
8. The handicap parking space shall meet the requirements of the New York State Building Code. Please provide the access aisle.
9. The proposed Site Plan, building facades, lighting and landscaping plans shall be reviewed by the Town of Orangetown Architecture and Community Appearance Board of Review.
10. Sight distance measurements at the exit of the parking lot shall be shown on the Site Plan.
11. Drainage calculations, prepared and sealed by a New York State Licensed Professional Engineer, shall be submitted to DEME for review and approval. The applicant's engineer shall design onsite storage to achieve a zero increase in runoff from the proposed site. Also, an overflow is required for any proposed drainage system.
12. A SWPPP shall be prepared for this Site Plan.
13. More detailed soil erosion and sediment control plans and details shall be submitted to DEME for review and approval, i.e. catch basin protection, truck washoff area(s), etc.

14. The applicant is reminded that some types of business may require a pretreatment facility on site and a permit from DEME. The design of such facilities must be reviewed and approved by DEME prior to any construction.

15. All existing and proposed grading shall be added to the Site Plans.

16. The sight distance at the proposed new driveway exit along Union Street shall be given on the Site Plans.

17. The applicant is advised that the Town of Orangetown has a new F.O.G.(Fat, Oil and Grease) program, which must be complied. The applicant shall contact the Town's F.O.G. Coordinator to determine if this criteria is applicable.

18. The December 7, 2010 HDR review letter supplements the Site Plan portion of its previous review letter, dated November 24, 2010, in which the Planning Board's Drainage Consultant indicated that although the Applicant had proposed an onsite storm sewer/drywell system and showed it on the plan, they did not provide drainage calculations nor did they show complete construction details on the plan. As a result, the consultant did not recommend acceptance for drainage and requested that the Applicant be directed to submit a drainage and grading plan, supported by calculations, to demonstrate that there will be no net increase in runoff rate from the developed site under a 24-hr, 100-yr Type III storm.

On December 6, 2010, HDR received a letter from the Applicant's attorney, Donald Brenner, indicating that a previous site plan for this site was approved by HDR in February 2005. Enclosed with this letter was revised drywell sizing calculations, dated December 2010, and HDR's letter to the Planning Board dated February 9, 2005.

Upon review of the revised calculations and the previous site plan file, the Planning Board's Drainage Consultant believes that the proposed development will not have a significant impact on drainage and therefore recommends acceptance for drainage subject to the following conditions:

- Since the parking and drainage facilities are shared by all three lots, agreements and easements will be necessary for maintenance of the drainage facilities. The Applicant shall add such agreements and easements to the subdivision and site plans as required and approved by the Planning Board.
- The calculations for the proposed drywells are based on the U.S.D.A. Soil Conservation Service methodology and recommend four 8-ft diameter by 5-ft deep drywells with 0.5-ft wide stone rings. The calculations for the previously approved drywells were based on the Westchester County methodology and resulted in the same number and size of drywells except that the stone ring was 3.0-ft wide. The Applicant shall increase the width of the stone ring from 0.5-ft to 3.0-ft.
- A detail of the drywell is shown on Sheet 5 and shows a 4-ft diameter by 5-ft deep drywell with a 3-ft stone ring. The detail also shows the stone base as both 2.0-ft thick and 3.0-ft thick. This detail must be revised to show an 8-ft diameter by 5-ft deep drywell with a 3-ft stone ring and a 6-in stone base. The drywell detail must show the top elevation and grade elevation in the detail as well as the invert of the inlet pipe(s). A filter fabric must separate the stone ring and base from existing soil. A 30-in access manhole with solid cover must be provided for each drywell (provide model #). The top and wall thickness of the drywell must be shown on the plan.
- A driveway berm shall be added on Washington Street to prevent street runoff from flowing onto the site.
- A catch basin detail is shown on Sheet 5. The catch basin grates shall be curb inlet types instead of flat grates (provide model #). The detail (plan and section) must be drawn to scale and shall show all dimensions, elevations and materials to permit construction.
- Provide a detail of the proposed concrete curb on the plan.
- Additional comments may be added based on response to these comments.

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

- A review shall be completed by the Village of Piermont its concerns satisfactorily addressed regarding the subdivision and the site plans.
- A review shall be completed by the New York State Department of Transportation and all required permits obtained.
- As indicated in the November 29, 2010 letter from the Rockland County Highway Department, a Work Permit will be required for construction within 500 feet of the County road right of way.
- Notes indicating who will have responsibility for maintenance of the ingress/ egress cross easement shall be added to the subdivision and site plans.
- The Town shall be satisfied that the landscape plan meets all Town requirements. The landscape plan shall be revised to indicate the plant species to be used for the hedge proposed along the Eastern boundary of the property. It is noted that the Sparkill Hamlet Center Overlay Zone requires that parking areas be landscaped and separated from the street by stone walls, opaque fencing and/ or landscaped berms or hedges, as determined by the Town Board. It is recommended that the details for such a treatment of the area where a proposed parking space abuts the sidewalk and street of Union Street be provided.
- The Town shall be satisfied that the proposed signage plan meets all Town of Orangetown requirements.
- 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.
- There shall be no net increase in storm water runoff from the site.
- Note 28 on the subdivision plan references review by the Rockland County Soil and Water Conservation District, which is no longer done. This outdated reference shall be removed or revised.
- Water is a scarce resource in Rockland County; thus proper planning and phasing of this project are critical to supplying the current and future residents of the Towns, Villages and County with an adequate supply of water. A letter from the public water supplier, stamped and sealed by a NYS licensed professional engineer, shall be issued to the municipality for this project, certifying that there will be a sufficient water supply during peak demand periods and in a drought situation.
- 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.
- 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.
- The fire department connections shall be designated on the Site Plan and kept clear for easy access by the emergency response vehicles.
- It is noted that many of the buildings in the immediate vicinity of the site were identified as Revivalist Period structures (built between approximately 1820 – 1900) in the 1997 Historic Sites and Structures Survey of the Historical Society of Rockland County. As may be appropriate, it is suggested that any new structures or changes to the site be supportive and protective of the historic and architectural values created in part of these structures.

20. The Rockland County Department of Highway reviewed the proposed action and has determined that it should a diminimus impact upon county roads in the area. A Rockland County Highway Department Work Permit is required for

the proposed construction within 500 feet of the County right of way, in addition to any and all permits required by the local municipality and various involved governmental agencies, and must be secured prior to the start of any excavation or construction on the site.

21. Application is to be made to the Rockland County Department of Health for review of the Stormwater Management system for compliance with the County Mosquito Code.

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

23. 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 Department of Highways
- Town of Orangetown Zoning Board of Appeals
- Rockland County Sewer District #1

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

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

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

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

- One (1) foot radius from trunk per inch DBH
- Drip line of the Tree Canopy. The method chosen should be based on providing the maximum protection zone possible. A barrier of snow fence or equal is to be placed and maintained one yard beyond the established tree protection zone. If it is agreed that the tree protection zone of a selected tree must be violated, one of the following methods must be employed to mitigate the impact:
 - 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.

27. 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.

28. 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.

29. The contractor's trailer, if any is proposed, shall be located as approved by the Planning Board.
30. 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).
31. Permanent vegetation cover of disturbed areas shall be established on the site within thirty (30) days of the completion of construction.
32. 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
33. The Planning Board shall retain jurisdiction over lighting, landscaping, signs and refuse control.

The foregoing Resolution was made and moved by Kevin Garvey and seconded by John Foody 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 8, 2010
Town of Orangetown Planning Board

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

PB #10-60/61: Quinn Subdivision/Site Plans– Preliminary Approval Subject to Conditions

Town of Orangetown Planning Board Decision
December 8, 2010

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: Quinn Subdivision/Site Plans

SEQR STATUS: Type I _____ Unlisted XXXXXX

CONDITIONED NEGATIVE DECLARATION: Yes _____ No XXXXXX

DESCRIPTION OF ACTION: Subdivision and Site Plan Review

LOCATION: The site is located at 3 Union Street, Sparkill, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 77.08, Block 5, Lot 48 in the CS – Mixed Use zoning district and Sparkill Hamlet Overlay Zone.

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

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