

**TOWN OF ORANGETOWN PLANNING BOARD  
MEETING OF DECEMBER 12, 2007**

**MEMBERS PRESENT:**

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

**MEMBERS ABSENT:** Jeffrey Golda

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

Bruce Bond, Chairperson called the meeting to order at 7:30 P.M.

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

**New Items:**

**Steinmetz Site Plan**

Prepreliminary/Preliminary Site Plan  
and SEQRA Review  
Critical Environmental Area  
71.09/1/32; R-22 zone

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

**PB #07-70**

**St. Thomas Aquinas College Site Plan**

Prepreliminary/Preliminary Site Plan  
and SEQRA Review  
74.12/1/29 & 74.16/1/1; R-40 zone

**Continued: Needs  
Drainage**

**PB #07-71**

**Sapienza Subdivision Plan**

Critical Environmental Area  
Prepreliminary/Preliminary Subdivision Plan  
and SEQRA Review  
65.20/1/7; R-22 zone

**Postponed to  
January 9<sup>th</sup> Meeting**

**PB #07-72**

**Continued from June 27, 2007 Meeting:**

**Valentine - Cook Site Plan Amendment**

Amendment to Approved Site Plan  
Prepreliminary/Preliminary Site Plan  
and SEQRA Review  
74.07/1/13 LIO zone

**Postponed  
to January 9<sup>th</sup> Meeting**

**PB #06-77**

**Pearl Mont Corporation Amendment**

Amendment to Decision Parking Area Striping  
Prepreliminary/Preliminary Site Plan  
and SEQRA Review  
72.08/1/2; LI zone

**Approved Amendment**

**PB #07-73**

**Page 2 of 2**  
**December 12, 2007**  
**Town of Orangetown Planning Board Meeting**

Continued Item from the September 26, 2007 Meeting:

<b>Hillside Commercial Park Subd. Plan</b> Prepreliminary/Preliminary/Final Subdivision Plan and SEQRA Review 68.16/1/1 and 68.11/3/39 & 40; LI zone	<b>Continued: Needs Drainage; Referred to the ZBA</b>	<b>PB #07-44</b>
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Continued Item from the September 26, 2007 Meeting:

<b>Hillside Commercial Park Site Plan</b> Prepreliminary/Preliminary Site Plan and SEQRA Review 68.16/1/1 and 68.11/3/39 & 40; LI zone	<b>Continued: Needs Drainage; Referred to the ZBA</b>	<b>PB #07-45</b>
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The decisions of the November 28, 2007 Planning Board Meeting was reviewed, edited and approved. The motion for adoption was made and moved by Kevin Garvey and seconded by John Foody and carried as follows: Bruce Bond, aye; Anthony Iurica, aye; Jeffrey Golda, aye, Robert Dell, aye; Kevin Garvey, aye, John Foody, aye and William Young, absent.

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

Since there was no further business to come before the Board, a motion to adjourn the meeting was made by Anthony Iurica, seconded by John Foody and agreed to by all in attendance. The meeting was adjourned at 9:05 P.M.

The next Planning Board meeting is scheduled for January 9, 2008.

**DATED: December 12, 2007**  
Planning Board Town of Orangetown

**TOWN OF ORANGETOWN  
PLANNING BOARD DECISION**

**Steinmetz Site Plan  
Preliminary Site Plan Approval  
Subject to Conditions/ Neg. Dec.  
Critical Environmental Area**

**PB #07-70  
December 12, 2007  
Page 1 of 9**

TO: Karen & Donald Steinmetz  
1020 Route 9W  
Nyack, NY 10960

FROM: Orangetown Planning Board

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

Heard by the Planning Board of the Town of Orangetown at a meeting held December 12, 2007, at which time the Board made the following determinations:

Jonathan Foster, Karen & Donald Steinmetz and Ken DeGennaro appeared and testified.

The Board received the following communications:

1. A Project Review Report dated December 5, 2007.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated December 12, 2007.
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, 2007.
4. A letter from HDR/LMS, signed by Harvey Goldberg, P.E., dated November 17, 2007.
5. Letters from the Rockland County Department of Planning, signed by Eileen Miller dated and Salvatore Corallo, Commissioner of Planning, dated November 21, 2007.
6. A letter from Rockland County Department of Highways, signed by Joseph Arena, Principal Engineering Technician, dated November 27, 2007.
7. A letter from Rockland County Drainage Agency, signed by Edward Devine, Executive Director, dated November 6, 2007.

8. A letter from Rockland County Sewer District #1, signed by Joseph LaFiandra, Engineer II, dated November 28, 2007.
9. Letters from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated October 29, 2007.
10. A letter from New York State Department of Transportation, signed by Ursus A. Idosu, SEQRA/HWP Unit, dated November 19, 2007.
11. Short Environmental Assessment Form dated September 18, 2007, signed by Kenneth DeGennaro, P.E., Brooker Engineering.
12. A letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated October 3, 2007.
13. Plans prepared by Brooker Engineering dated August 10, 2006:
  - Drawing 1: Title
  - Drawing 2: Site Plan
  - Drawing 3: Grading, Drainage and Soil Erosion Control Plan
  - Drawing 4: Details

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

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

It will not have a significant impact upon the environment and a DEIS will not be prepared because the proposed action does not significantly affect air quality, surface or ground water quality, noise levels, drainage or existing traffic patterns. In addition, it will have no impact upon the aesthetics, agricultural or cultural resources of the neighborhood and no vegetation, fauna or wildlife species will

be affected as a result of the proposed action. The proposed action is consistent with the Town's Master Plan and will not have any adverse economic or social impacts upon the Town of Orangetown.

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

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

1. The grading shall be moved away from the property line, no grading shall be within five feet of the property line.
2. The applicant shall submit enlarged Site and Landscaping Plans having a scale of one inch equals 10 feet.
3. The driveway shall be either completely constructed of macadam or grass-crete to protect emergency vehicles.
4. 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."
5. 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.
6. The roof and footing drains shall be shown on the Site Plan.
7. The following variances need to be sought from the Town of Orangetown Zoning Board of Appeals, **Rockland County Department of Planning requests the opportunity to review any variances that may be required from the Town of Orangetown Zoning Board of Appeals in order to implement the Site Plan.**

The Required **Rear Yard Setback** is 45 feet and 16.8 feet is proposed.

The Allowed **Building Height** is 12.6 feet (using 9"/feet and the rear yard setback of 16.8 feet) and the proposed building height needs to be provided.

The Required **Street Frontage** is 75 feet and 50.2 feet is existing.

- 8.** The Site Plan shall be reviewed by the Town of Orangetown Architecture and Community Appearance Board of Review.
- 9.** Drainage calculations, prepared and sealed by a New York State Licensed Professional Engineer, shall be submitted to DEME for review and approval.
- 10.** The entire driveway shall be paved.
- 11.** A profile of the entire driveway (existing and proposed) shall be provided.
- 12.** The Soil Erosion and Sediment Control Plans and Details are under review by DEME.
- 13.** The applicant's engineer shall verify the capacity of the existing sanitary septic system.
- 14.** The applicant is reminded that the sanitary septic system for the lot must be reviewed and approved by the Rockland County Department of Health. Copies of this approval shall be supplied to the Planning Board and DEME prior to signing the Final Site Plan.
- 15.** The Drainage Consultant to the Planning Board recommends acceptance for drainage subject to the following conditions:  
Applicant proposes to construct a building addition to an existing dwelling and to reconfigure and expand an existing paved driveway. The site is located on the west side of Route 9W immediately north of Treeline Terrace. Access to this parcel from Route 9W will not change.

An 8-ft diameter drywell in a 13-ft square stone surround is proposed for drainage. Two field inlets and 12-in storm sewers are also proposed to capture runoff and direct it to the drywell. Drainage calculations have not been provided.

The Drainage Consultant believes that the proposed drainage plan can be made to achieve a zero net increase in runoff rate from the developed site, and therefore recommends acceptance for drainage subject to the following conditions:

- Drainage calculations for sizing the drywell must be provided. The calculations must demonstrate that there will be a zero net increase in runoff rate from the developed site under a 24-hr, 100-yr Type III storm. If percolation tests on the site are performed, this information can be used to define seepage pit percolation during the storm; otherwise, a default value of 30-min per in. may be used. The plan and calculation should be signed and sealed by a N.Y. State P.E. I can be contacted by the Applicant's Engineer to discuss the calculation method.

**Continuation of Condition #15...**

- A note must be added to the plan that states “All roof leaders from the proposed building addition must be connected to the drywell.”
- The extent of the 13-ft square stone surround must be drawn to scale on the plan.
- The field inlet detail shows a hood and 18-in sump. The sump must be increased to 24-in deep and the model number and manufacturer of the hood must be added to the plans. The inlet size shall be increased from 2-ft 6-in square, to 2-ft-6in wide by 4-ft long. The inlet grate must be a stream flow grate that will not clog easily from leaves. A plan view of the inlet must be added to the detail.
- The drywell detail includes an open grate. The Consultant prefers that runoff (except from roof drains) enters catch basins or field inlets before it goes into the drywell. This will prevent debris from entering the drywell. Therefore, a solid cover shall replace the open grate on the drywell.
- Additional conditions may be added based on the calculations to be provided.

**16.** New York State Department of Transportations reviewed the plans and notes that additional minor driveway modification improvements may be recommended for this project during its Highway Work Permit review. The applicant shall contact NYSDOT local Highway Permit Engineer to initiate a Highway Work Permit review process.

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

**18.** Soil Erosion and Sediment Soil Erosion and Sediment Control Plans and details shall be submitted to the Town of Orangetown Department of Environmental Management and Engineering for review and approval. The Soil Erosion and Sediment Control Plan shall meet the NYS Guidelines for Urban Erosion and Sediment Control.

**19. Rockland County Department of Planning requests the opportunity to review any variances that may be required from the Town of Orangetown Zoning Board of Appeals in order to implement the Site Plan.**

**20.** The Rockland County Department of Highways (Highway) reviewed the Site Plan and information and found the following:

The project should have not foreseeable adverse effect upon County Roads in the area, and

Drawings number 2 & 3 shall be revised to demonstrate the correct tax lot numbers for the surrounding parcels.

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

**22.** A review was completed by the Rockland County Department of Health for the referenced property and the following comments provided: Since the proposed addition is to include an additional bedroom, the existing subsurface disposal system will need to be modified. In addition, the system is not accurately depicted. Rockland County Department of Health Department records indicate that the system is composed of a series of seepage pits, not a septic field as shown. Applicants Engineer shall "FOIL" a copy of the As-Builts for the system, which show the location of the septic tank and distribution box. The exact location of the pits will need to be determined. The pit location may affect the location of the realigned driveway and the proposed drainage structures.

21. New York State Department of Transportation will allow an access driveway as proposed for the subject property. However, it shall be noted that additional minor driveway modification improvements may be recommended for this project during its Highway Work Permit reviews.

**23.** 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.

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

- Rockland County Department of Planning
- Rockland County Department of Highways
- Rockland County Drainage Agency
- Rockland County Health Department
- Rockland County Sewer District #1
- New York State Department of Transportation



- 25.** The applicant shall comply with all pertinent items in the Guide to the Preparation of Site Plans prior to signing the final plans.
- 26.** All reviews and approvals from various governmental agencies must be obtained prior to stamping of the Site Plan.
- 27. 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.

28. 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.
29. 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.
30. The contractor's trailer, if any is proposed, shall be located as approved by the Planning Board.
31. 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).
32. Permanent vegetation cover of disturbed areas shall be established on the site within thirty (30) days of the completion of construction.
33. 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
34. 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; Anthony Iurica, aye; William Young, aye; John Foody, aye; Robert Dell, aye; Jeffrey Golda, absent and Kevin Garvey, aye.

Comment: Robert Dell, Board Member noted that there was insufficient information to make a preliminary determination.

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 12, 2007**

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

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

**Steinmetz Site Plan  
Preliminary Site Plan Approval  
Subject to Conditions/ Neg. Dec.  
Critical Environmental Area**

**PB #07-70  
December 12, 2007  
Page 9 of 9**

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: Steinmetz Site Plan**

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

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

**DESCRIPTION OF ACTION: Site Plan Review: Critical Environmental Area**

**LOCATION:** The site is located at 1020 Route 9W in Upper Grandview, Town of Orangetown, Rockland County, New York and as shown on the Orangetown Tax Map as Section 71.09, Block 1, Lot 32 in the R-22 zoning district.

**REASONS SUPPORTING THIS DETERMINATION:**

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

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

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

For Further Information contact:

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

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

**TOWN OF ORANGETOWN  
PLANNING BOARD DECISION**

**Pearl Mont Corporation Amendment  
Amendment to Decision  
Parking Area Striping**

**PB #07-73  
December 12, 2007  
Page 1 of 3**

TO: Ray Ahmadi, Ph.D, P.E.  
227 South Mountain Road  
New City, New York 10956

FROM: Orangetown Planning Board

RE: The application of Raymond Ahmadi, applicant, Vahid, LLC, owner for an **Amendment to Decision/Parking Area Striping** Prepreliminary/Preliminary/Final Review for a Site Plan known as “**Pearl Mont Corporation Amendment Parking Area Striping**”, in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21A of the code of the Town of Orangetown. The site is located 170 Route 304, Pearl River, Town of Orangetown, Rockland County, New York and as shown on the Orangetown Tax Map as Section 72.08, Block 1, Lot 2 in the LI zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held December 12, 2007, at which time the Board made the following determinations:

Ray Ahmadi appeared and testified.

The Board received the following communications:

1. A Project Review Memo dated December 5, 2007.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated December 12, 2007.
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, 2007.
4. A Short Environmental Assessment Form signed by Raymond Ahhadi, dated November 8, 2007.
5. Site Plan prepared by Raymond Ahhadi, dated November 8, 2007, an attachment of a Narrative Summary, dated November 9, 2007.
6. PB #0-80, Reapproval of the Final Planning Board Decision, dated April 26, 2000 and PB #98-225, Final Approval Subject to Conditions, dated February 25, 1999.

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

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

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

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

**DECISION: In view of the foregoing and the testimony before the Board, the application was GRANTED AN AMENDMENT TO THE PLANNING BOARD DECISION REGARDING STRIPING OF THE SITE PLAN PARKING AREA SUBJECT TO THE FOLLOWING CONDITIONS:**

1. The applicant has completed construction of the Car Wash facility. The parking lot was changed from asphalt to paver blocks and the line striping for the parking stalls was not installed as per the original Site Plan approval. The applicant is seeking an Amendment for these changes as per the submitted As-Built Plan. The applicant should provide the Planning Board with the reasons for the change from asphalt to paver blocks.

2. The Town of Orangetown Zoning Code does not specifically require parking stalls to be striped, however, other sections of the Town Code refer to “lines or **markings placed upon the curb** and/or on the street pavement”. Placement of markings on the curbs for the parking designation in this particular case may be more applicable than on the pavers themselves. The painting of the stripes on the pavers could actually result in the paint to “bleed” at the joints of the pavers. In addition, the color pattern of the pavers could conflict with the paint striping placed on the pavers. The Planning Board requires some type of parking designation but may allow the curb marking only, based upon the above reasons. This alternative demarcation is acceptable to the Planning Board. The applicant shall submit to the Town of Orangetown Office of Building, Zoning, Planning Administration and Enforcement the proposed curb markings for review, comment and final approval.

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

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

**Dated: December 12, 2007**

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



