

TOWN OF ORANGETOWN PLANNING BOARD

MEETING OF MAY 13, 2009

MEMBERS PRESENT: Robert Dell, Chairperson; Kevin Garvey; Jeffrey Golda; William Young; John Foody and Andy Stewart

MEMBERS ABSENT: Bruce Bond, Vice-Chairperson

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

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

PB #09-28-Route 9W Golf Subdivision Plan; Continued; Request for Reduction of the Performance Bond Palisades Historic District; 78.14/1/2, R-40 zone

PB #07-57-Palladino Minor Subdivision Plan; Preliminary Approval Subject to Conditions Neg. Dec. (3 lots); 65.15/1/1; LO/R-40 zoning district

PB #07-58-Palladino Subdivision/Site Plan; Continued: Needs Drainage; Prepreliminary/Preliminary Subdivision/Site Plan (9 lots) and SEQRA Review; 65.15/1/1; LO/R-40 zoning district

PB #09-29-Palladino Site Plan; Prepreliminary/Preliminary Site Plan and SEQRA Review; 65.15/1/1; LO/R-40 zoning district

The decisions of the April 29, 2009 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: Robert Dell, aye; Kevin Garvey, aye; Bruce Bond, absent; 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 William Young and agreed to by all in attendance. The meeting was adjourned at 10:15 p.m. The next Planning Board meeting is scheduled for May 27, 2009.

DATED: May 13, 2009

Town of Orangetown Planning Board

PB #07-57- Palladino Minor Subdivision Plan-Preliminary Minor Subdivision Approval, Subject to Conditions/Neg. Dec.
Town of Orangetown Planning Board - Decision
May 13, 2009

TO: Donald Brenner, P.E., LL.B., 4 Independence Avenue,
Tappan, NY 10983
FROM: Orangetown Planning Board
RE: The application of Paul Van Dyke, applicant for John Palladino,
owner for Prepreliminary/Preliminary/Final Minor Subdivision Review for a 3 lot
Minor Subdivision of a lot site to be known as "**Palladino Minor 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 between New York State Route 303 on the east and Greenbush Road on the west. The Town of Clarkstown forms the northerly property line. A small wetland is located along the northerly property line, Blauvelt, New York, Town of Orangetown, Rockland County, New York and as shown on the Orangetown Tax Map as Section 65.15, Block 1, Lot 1 in the LO/R-40 zoning districts.

Heard by the Planning Board of the Town of Orangetown at meetings held **October 10, 2007, April 9, 2008, September 24, 2008 and May 13, 2009** at which time the Board made the following determinations:

October 10, 2007

Donald Brenner and Jay Greenwell appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated October 3, 2007.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated October 10, 2007.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering, (DEME) Town of Orangetown, signed by Bruce Peters, P.E., dated October 5, 2007.
4. A letter from the Rockland County Department of Planning, signed by Salvatore Corallo, Commissioner of Planning, dated October 10, 2007.
5. A letter from Rockland County Department of Highways, signed by Sonny Lin, P.E., dated October 1, 2007.
6. A letter from Rockland County Drainage Agency, signed by Edward Devine, Executive Director, dated October 2, 2007.
7. Letters from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated September 11, 2007.
8. A letter from Rockland County Sewer District #1, signed by Joseph LaFiandra, Engineer II, dated June 22, 2007.
9. A letter from the Blauvelt Volunteer Fire Company, Inc., signed by Pieter Grosbeck, Chief, dated September 24, 2007.
10. A letter from the Town of Orangetown, Zoning Board of Appeals, signed by William Mowerson, Chairperson, dated September 12, 2007.
11. Conceptual Layout Subdivision Plan prepared by Jay Greenwell, PLS, LLC, dated July 10, 2007.
12. Short Environmental Assessment Form undated, signed by Donald Brenner.
13. A report submitted by the applicant entitled Phase I Archaeological Investigation for the proposed Palladino Subdivision, dated October 2007, prepared by Alfred G. Cammisa, RPA, Felicia Cammisa, Alexander Padilla, Tracker Archaeology Services, Inc.

Public Comments:

Chris Fattley, Assistant Chief of the Blauvelt Fire Department, wanted to address the location of the fire hydrants for the proposed subdivision.

Elaine Armaniaco, 577 Greenbush Road, Blauvelt, representing the Greenbush Collation; raised concerns regarding the loss of open space resulting from the development of the site. The site was listed on the Town of Orangetown Open Space list. Ms Armaniaco requested that the Board take a hard look at the proposed project during its review.

Fran Oldenberger, 314 Greenbush Road, Blauvelt, Acting Chairperson of the Town of Orangetown Open Space Committee, submitted an article dated March 8, 2000, from the Journal News. Ms Oldenberger noted that this site is the only habitat corridor for animals if a drought was ever to occur. The Board has an obligation to the community.

Kelly Maris, 609 Greenbush Road, Blauvelt, member of the Greenbush Coalition, raised concerns regarding the proposed site improvements; berming along route 303, buffer between residential and commercial uses and blasting on the site.

Morgan Watson, 129 Durfus Lane, Blauvelt, expressed concern regarding development of the site, noting specific items on the plan, sizes of the lots, trees and drainage details. Mr. Watson did not agree with the proposed development and requested additional details and more information to be provided by the developer.

The applicant requested a **CONTINUATION** of the application in order to fulfill the requests of the Board.

April 9, 2008

Donald Brenner and Jay Greenwell appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated April 2, 2008.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated April 9, 2008.
3. A letter from the Rockland County Department of Planning, signed by Salvatore Corallo, Commissioner of Planning, dated April 4, 2008.
4. Letters from Rockland County Department of Highways, signed by Joseph Arena, Principal Engineering Technician, dated March 3, 2008 and Sonny Lin, P.E., dated October 1, 2007.
5. A letter from Rockland County Sewer District #1, signed by Joseph LaFiandra, Engineer II, dated March 12, 2008.
6. A letter from the Town of Clarkstown, signed by Shirley Thormann, Chairwoman, Planning Board, dated March 31, 2008.
7. A copy of an E-Mail sent to Eileen Miller of Rockland County Department of Planning from Ed Landing, New York State Museum, dated September 21, 2007, faxed to Town of Orangetown on April 9, 2008 by Rockland County Department of Planning.
8. A letter signed by Dr. Ed Landing, New York State Paleontologist, New York State Museum, dated April 9, 2008.
9. A report prepared by Paul Boyer, dated February 14, 2008, titled Reconnaissance of the Proposals of the Palladino Subdivision.

Public Comments:

Fran Oldenberger, 314 Greenbush Road, Blauvelt, wanted to know if after the Paleontologist's review is completed, if a larger area than one acre would be set aside if warranted for the preserved area.

Morgan Watson, 139 Durfus Lane, Blauvelt, noted that he had some experience in paleontology and that due to the conditions of the site, wetlands; and rock formations, there could be some dinosaur tracks on other portions of the site.

The applicant requested a **CONTINUATION** of the application in order to fulfill the requests of the Board.

September 24, 2008

Donald Brenner, Jay Greenwell and Paul Olsen appeared and testified.

The Board received the following communications:

1. A Project Review Committee Report dated September 17, 2008.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated September 24, 2008.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering, (DEME) Town of Orangetown, signed by Bruce Peters, P.E., dated September 17, 2008.
4. A letter from the Rockland County Department of Planning, signed by Salvatore Corallo, Commissioner of Planning, dated September 22, 2008.

5. A letter from the Rockland County Department of Highways, signed by Sonny Lin, P.E., dated September 24, 2008.
6. Letters from the Rockland County Drainage Agency, signed by Edward Devine, Executive Director, dated September 5, 2008 and October 2, 2007.
7. A letter from the Town of Clarkstown Planning Board, signed by Rudolph J. Yacyshyn, Acting Chair, dated September 3, 2008.
8. A letter from the Rockland County Division of Environmental Resources, signed by R. Allan Beers, Coordinator of Environmental Resources, dated April 24, 2008.
9. A letter from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated August 25, 2008.
10. A letter from Rockland County Sewer District #1, signed by Joseph LaFiandra, Engineer II, dated September 8, 2008.
10. A report entitled Final Report on a Paleontological Review of the John Palladino Property, Town of Orangetown, dated September 20, 2008, prepared by Paul E. Olsen, Ph.D.
11. A letter from the New York State Department of Transportation, signed by Mary Jo Russo, P.E., Rockland County Permit Engineer, dated September 22, 2008.
12. Plan entitled Subdivision/Site Plan of property for Palladino, prepared by Jay A. Greenwell, PLS, LLC, dated July 10, 2008.

Public Comments:

Elaine Armaniaco, 577 Greenbush Road, Blauvelt, questioned the purpose and use of the proposed park area and how the park would be maintained.

Kimball Parker, Route 303, discussed drainage and recommended a through street between Route 303 and Greenbush Road, and a traffic light on Route 303.

The applicant requested a **CONTINUATION** of the application in order to fulfill the requests of the Board.

May 13, 2008

Donald Brenner, Jay Greenwell and Paul Olsen appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated May 6, 2009.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated May 13, 2009.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering, (DEME) Town of Orangetown, signed by Bruce Peters, P.E., dated May 13, 2009.
4. A letter from HDR, signed by Harvey Goldberg, P.E., dated May 6, 2009.
5. A letter from the Rockland County Department of Planning, signed by Salvatore Corallo, Commissioner of Planning, dated May 12, 2009.
6. A letter from Rockland County Department of Highways, signed by Sonny Lin, P.E., dated April 5, 2009.
7. A letter from Rockland County Sewer District #1, signed by Joseph LaFiandra, Engineer II, dated May 12, 2009.
8. A copy of an E-Mail from Paul E. Olsen, dated May 12, 2009.

Public Comments:

Ann Brennan, 555 North Greenbush Road, Blauvelt, discussed the dinosaur tracks on the site and requested information regarding digging on the other two sites. She wanted to know if in the event dinosaur prints are found on those sites, would anything be done.

Jim Cinelli, 547 South Greenbush Road, Blauvelt, raised concerns regarding the increase in traffic to Greenbush Road created by the proposed development.

Elaine Armaniaco, 577 Greenbush Road, Blauvelt, requested that a Full Environmental Assessment Form be submitted for this site. She asked for clarification on the proposed development of the commercial portion of the plan. Ms Armaniaco raised issue of the impact of commercial development on the residential nature of the area. She is concerned about blasting on the site.

Victor Armaniaco, 577 Greenbush Road, Blauvelt, requested information regarding the plan, noting the stakes on the site and that the property lines appear to be different than prior project submissions.

Joseph Levine, 537 South Greenbush Road, Blauvelt, wanted the Board to explain the Planning Board process.

Kelly Maxis, 609 Greenbush Road, Blauvelt, expressed concerns regarding the size of the site and the future condition of the existing dirt road on site. Ms Maxis raised concerns regarding blasting on the site.

Maria Minichiello, 28 Erie Street, Blauvelt, objected to the development of more housing and commercial development in Blauvelt.

Max Jacobbi, 604 Route 303, Blauvelt, supports the project, noting that the Town of Orangetown needs to lower taxes for its residents.

A motion was made to close the Public Hearing portion of the meeting by Kevin Garvey and seconded by William Young and carried as follows: Bruce Bond, absent, 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 William Young and seconded by Jeffrey Golda and carried as follows: Bruce Bond, absent; 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.

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

DECISION: In view of the foregoing and the testimony before the Board, the application was GRANTED A PRELIMINARY 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. At the time of Site Plan Approval, the applicant shall create a Conservation Easement on the eastern side of Lot #1, in addition to other undisturbed areas on Lots #2 and #3 to be determined at the site of Site Plan approval.
4. The Short Environmental Assessment Form appears to be in order.
5. The 3 lot subdivision plan shall show the Building Envelopes. (It is important to show the building envelopes for each lot so the Planning Board has an accurate indication of what can be approved by right.)
6. Note #3 of the “Notes to Use and Bulk Tables” requires LO zone districts that abut R zone districts to have a 100 foot buffer. The subdivision plan shows a 15 foot buffer, therefore a Zoning Board of Appeals variance needs to be sought for this from the Town of Orangetown Zoning Board of Appeals.
7. The Subdivision Map indicates a proposed 58 foot rear yard setback when 100 feet is required. Therefore a variance from the Town of Orangetown Zoning Board of Appeals will need to be sought.
8. The Drainage Consultant to the Planning Board recommends acceptance for drainage only for the Minor Subdivision of this lot. Under this application, the Applicant is proposing only to subdivide the parcel into three separate lots. No development is proposed or approved under this Minor Subdivision Plan; therefore, there will be no impact on drainage due to the subdivision itself. The proposed development of the 9-Unit Residential Site Plan and the Commercial Site Plan will be reviewed for drainage separately.
9. Rockland County Department of Planning had the following comments which are incorporated herein as conditions of approval:
 - () The applicant shall address concerns of the April 5, 2009 letter from the Rockland County Highway Department and obtain all required permits.
 - () The concerns expressed in the September 4, 2008 letter from the New York State Department of Transportation shall be addressed and all required permits obtained.
 - () As indicated in the May 6, 2009 letter from the Rockland County Drainage Agency, a permit will be required. In addition, as required by the Rockland County Stream Control Act, the subdivision must be reviewed and signed by the Rockland County Drainage Agency prior to recording the plat in the Office of the Rockland County Clerk.
 - () There shall be not net increase in storm water runoff from the site.
 - () The comments in the September 3, 2008 and April 23, 2008 letters from the Town of Clarkstown shall be reviewed.
 - () The Rockland County Department of Planning recommends that the steeply sloped areas along Greenbush Road be established as a Conservation Area with no disturbance allowed. This would provide a buffer between the townhouses and Greenbush Road and also provide a visual buffer between the townhouse development, Buttermilk Falls County Park and the single family dwellings that are nearby and more typical of R-40 zoned lands. A note shall be added to the subdivision plat that indicates that this will be done at the time of site plan approval for Lot #1.
 - () Since the property is opposite the Buttermilk Falls County Park, a review shall be requested from the Rockland County Park Commission and any concerns addressed.
 - () Since the wetlands on site have been determined to be federal wetlands and that a permit from the U.S. Army Corps of Engineers

(ACOE) is required, this agency shall review the proposed plans and all required permits shall be obtained.

() All wetland and wetland buffers areas to be preserved shall be clearly marked in the field prior to any clearing or construction. Notes shall be placed on the subdivision plan regarding this field marking requirement, as well as to explain the long term use restricts for these areas, including that no accessory structures shall be placed in these area. It is suggested that wetland buffers and setbacks be shown as Conservation Areas.

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

() 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.

() A note shall be added to the plat that indicates that the site plan approvals for Lot 1 and Lot 2 will be subject to review by fire and emergency service providers.

() 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.

() 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).

() In comparing the areas of each of the lots on the site plans for commercial lot and townhouse development with the lot areas on the subdivision plat, there appear to possibly be some minor discrepancies. These may be explained by dedications and other changes in land area that are part of the individual site plan approvals. It is suggested that the surveyor confirm that all the calculations are correct and account for all of the subject property.

10. Rockland County Department of Highways (RCHighways) had the following comments which are incorporated herein as conditions of approval:

RCHighways favors the revised design that provides a single access point to the County Highway.

Sight distance calculations shall be submitted to demonstrate on the sight plan for any new proposed access to the County Highway.

A Traffic Impact Study shall be submitted to demonstrate what impacts if any the proposed development will have upon County, State and Town Roads in the Area.

A copy of the drainage study with calculations prepared for this project shall be forwarded to RCHighways for additional review.

Show the List of Drawings on the Title Sheets. To be self – contained, the Existing Conditions Survey and the Storm Water Pollution Control Plan among others will be required as part of the conditions of this permit.

A Rockland County Highway Department Work Permit will be required for the development of this subdivision and must be secured prior to the start of any excavation or construction thereon. Separate Permits will be required for each lot that has frontage along the County Roadway. At this time, RCHighways would like to inform the applicant that under the Drainage Section of the Rockland County Highway Department Standard Specifications, revised by the County Highway Department in November 2005, a Drainage Maintenance Fee of \$500.00 per legal tax lot will be imposed on each subdivision and/or site plan.

11. 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 within the jurisdiction of the RCDA. Accordingly, a permit from the RCDA pursuant to Chapter 846, Rockland County Stream Control Act, is required. The applicant shall submit an application to the RCDA immediately. In addition, the site appears to be located in close proximity to mapped state and federal wetlands. The RCDA suggests that the New York State Department of Environmental Conservation and the U.S. Army Corps of Engineers be contacted by the Lead Agency and requested to make a jurisdictional determination regarding the proposed activity.

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

13. The Town of Clarkstown Planning Board notes that the revised plans proposed a cluster development to be constructed away from the steep slopes, alleviating the drainage toward the Town of Clarkstown. The site was examined by Paul E. Olsen, PhD., and 4.315 acres of the property will be dedicated to Orangetown as a park. The Planning Board of the Town of Clarkstown has no other concerns and deems the matter for local determination.

14. It is opinion of the Rockland County Division of Environmental Resources that the property should be preserved to provide an opportunity for the public to view the natural history of the site. The County Environmental Resources Division supports the recommendation of Dr. Ed Landing, New York State Paleontologist, that 1 acre or more be preserved as a park with exhibits depicting the geologic and paleontological history of the site. It was further recommended that the Planning Board consult with Dr. Paul Olsen to determine the location on the property to preserve for such a park.

15. Formal application for Sewer Extension is to be submitted to the Rockland County Department of Health (RCDOH), office of Environmental Health. If the sewer mains are to be privately owned and maintained, then a Transportation Corporation must be formed in accordance to Article 10, "Sewage-Works Corporations" of the New York State Transportation Corporation Law for the Commercial portion of this application.

16. Application is to be made to RCDOH for a water main extension. This application is to be made through United Water New York.

17. Application is to be made to the RCDOH for review of the stormwater management system for compliance with the County Mosquito Code.

18. The driveway shall be constructed to allow access for fire apparatus in all weather. This shall include features for width, turning radius and to support the weight of an apparatus, some exceed 45,000 pounds. A fire department sprinkler connection shall be located on the south or west side of the building.

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 Highway
- Rockland County Drainage Agency
- Rockland County Department of Health
- Rockland County Drainage Agency
- Town of Orangetown Zoning Board of Appeals

20. Rockland County Sewer District #1 had the following comments which are incorporated herein as conditions of approval:

21. The subdivision is located outside the boundaries of Rockland County Sewer District No. #1 (District), but will connect to the District's sewer system on Route 303 in the Town of Clarkstown. A permit application **for each connection** must be submitted to the Executive Director, which must be supplemented by any plans, specifications, insurance indemnification, or other information considered pertinent in the judgment of the Executive Director. The application must be accompanied by:

- a. A resolution from the municipality in which this project is located, which approves the hookup of the sewer from this project to the Rockland County Sewer District No. 1 sewer system.
- b. An out-of-district connection fee of three thousand seven hundred dollars (\$3,700.00) per connected unit, or as established by resolution of the Board of Sewer Commissioners, which must be paid within thirty (30) days of the Board's approval of the connection.
- c. The annual sewer use fee for operation and maintenance, which must be paid within ten (10) days of sewer service becoming available and pro-rated as of that date.
- d. The area benefit fee, which commences on the date of the Board of Sewer Commissioners' approval of the project. (Area benefit is calculated by an annual tax rate per one hundred dollars (\$100.00) of assessed value. This fee must be paid before release of approval.)
- e. An executed copy of a covenant agreeing to abide by the rules, laws and regulations of the District and its Law, as it may be amended, including the payment of annual sewer use fees and annual area benefit fees. This covenant must be:
 - i. In recordable form, including all prior mortgages or other encumbrances,
 - ii. Accompanied by requisite fees for recording as set forth by the County Clerk,
 - iii. Accompanied by an up to date Title Report and paid policy of Title Insurance,
 - iv. Acknowledged by owner of the land, and
 - v. Accompanied by a complete site survey and property description.

22. Out-of-District connections to Rockland County Sewer District No. 1 may require prior approval from the New York State Department of Environmental Conservation.

23. As the proposed two-story commercial building is non-residential, Rockland County Sewer District No. 1's "Commercial/Non-residential Wastewater Questionnaire" must be submitted to and approved by RC Sewer District No. 1 for commercial building before any sewage is discharged into the District's sewerage system. The developer or owner must sign the water questionnaire.

24. Details for sanitary sewer construction must comply with the District's construction standards and shall be shown on the plans.

25. Rockland County Sewer District No. 1 requires sanitary sewer construction to conform to District standards. This includes but is not limited to relative air, vacuum and deflection testing of mainline sewer and manhole construction. The District must receive and approval certification of test results from a licensed professional engineer before approving the sewers on this project. If District standards differ from Town of Orangetown standards, the stricter standards will apply.

26. In order to reduce infiltration into the system, the District requires that the precast and doghouse sanitary manhole construction be in accordance with the District's standards. The District's standard details require the joints to have butyl rubber seals with mortar in and out, and then to be coated with "Infi-shield" EPDM rubber seal wrap or approved equal.

27. The District requests that submission of as-built drawings of the proposed sanitary sewer extension to Rockland County Sewer district No. 1 be made a condition of granting a Certificate of Occupancy. A note shall be placed on the Site Plan regarding this requirement.

28. Details for the sanitary sewer connections are subject to approval by the Town of Orangetown.

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

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

31. TREE PROTECTION: The following note shall be placed on the Subdivision Plan:

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

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

One (1) foot radius from trunk per inch DBH

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

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.

32. 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.

33. 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.

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

35. 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).

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

37. 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

38. The Planning Board shall retain jurisdiction over lighting, landscaping, and 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, absent; 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: May 13, 2009

Town of Orangetown Planning Board

**State Environmental Quality Review Regulations
NEGATIVE DECLARATION – NOTICE OF DETERMINATION OF
NON-SIGNIFICANCE**

PB #07-57- Palladino Minor Subdivision Plan-Preliminary Minor Subdivision Approval, Subject to Conditions/Neg. Dec.

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: Palladino Minor Subdivision Plan

SEQR STATUS: Type I _____ Unlisted XXXXXX

CONDITIONED NEGATIVE DECLARATION: Yes _____ No XXXXXX

DESCRIPTION OF ACTION: Minor Subdivision Plan Review

LOCATION: The site is between New York State Route 303 on the east and Greenbush Road on the west. The Town of Clarkstown forms the northerly property line. A small wetland is located along the northerly property line, Route 303, Blauvelt, New York, Town of Orangetown, Rockland County, New York and as shown on the Orangetown Tax Map as Section 65.15, Block 1, Lot 1 in the LO/R-40 zoning districts.

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