

**TOWN OF ORANGETOWN PLANNING BOARD  
MEETING OF FEBRUARY 11, 2009**

**MEMBERS PRESENT:** Robert Dell, Chairperson; Bruce Bond, Vice-Chairperson; Kevin Garvey; John Foody; William Young and Andy Stewart

**MEMBER ABSENT:** Jeffrey Golda

**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 7:35 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:

**STEJ Sport Center Site Plan (STEJ, LLC., Orangetown Family Entertainment Facility Site)** **PB #09-04**

Reaffirmation of the Approved Site Plan for the Types of Recreational Uses presented to the Orangetown Town Board and Reaffirmation of SEQRA 73.11/1/1 and 73.11/1/2; RPC-R zoning District

**Reaffirmation of the Approved Site Plan for the Types of Recreational Uses presented to the Orangetown Town Board/ Reaffirmation of SEQRA**

**Sickels Farm Subdivision**

Recommendation to the Town Board to Reduce the Amount of the Performance Bond 69.08/1/2; R-40 zoning district

**Continued to the February 25<sup>th</sup> Meeting**

**PB #09-05**

**Troop Woods Subdivision**

Recommendation to the Town Board to Release the Performance Bond 70.14/2/47; R-15 zoning district

**Continued to the February 25<sup>th</sup> Meeting**

**PB #09-06**

**Harmony Hills Subdivision**

Recommendation to the Town Board to Release the Performance Bond 72.08/3/79 & 83; R-15 zoning district

**Recommended to the Town Board**

**PB #09-07**

**Sunset Homes Subdivision Plan**

Final Subdivision Plan Review 70.09/2/23; R-15 zoning district

**Continued to the February 25<sup>th</sup> Meeting**

**PB #09-08**

**TOWN OF ORANGETOWN PLANNING BOARD  
MEETING OF FEBRUARY 11, 2009**

**Tappan Golf Range Site Plan**  
Final Site Plan Review  
74.19/1/1; LI zoning district

**Final Site Plan      PB #09-09**  
**Subject to**  
**Conditions**

**The Promenade Assisted Living  
Facility Site Plan**  
Prepreliminary/Preliminary Site Plan  
and SEQRA Review  
73.05/1/53.1; OP zoning district

**PB #08-55**  
**Preliminary Site Plan**  
**Approval Subject to**  
**Conditions/Neg. Dec.**

The Board reviewed, edited and approved the January 14, 2009 Planning Board Meeting. The motion for adoption was made and moved by Kevin Garvey and seconded by Robert Dell and carried as follows: Robert Dell, aye; Kevin Garvey, aye; Bruce Bond, aye; Andy Stewart, aye; Jeffrey Golda, absent; John Foody, 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, seconded by Bruce Bond and agreed to by all in attendance. The meeting was adjourned at **11:05 p.m.** The next Planning Board meeting is scheduled for February 25, 2009.

**DATED: February 11, 2009**  
Planning Board    Town of Orangetown

**PB #09-04- TOWN OF ORANGETOWN PLANNING BOARD DECISION;  
STEJ LLC., Orangetown Family Entertainment Center Facility Site Plan  
(STEJ, LLC., Orangetown Sport Center Site Plan)  
Reaffirmation of the Approved Site Plan for the Types of Recreational Uses  
Presented to the Orangetown Town Board and Reaffirmation of SEQRA  
February 11, 2009  
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TO: Donald Brenner, 4 Independence Avenue, Tappan, New York  
FROM: Orangetown Planning Board  
RE: The application of STEJ. Inc., Applicant, (Donald Brenner, attorney for the applicant) for Reaffirmation of the Approved Site Plan for the Types of Recreational Uses presented to the Orangetown Town Board and Reaffirmation of SEQRA; at a site to be known as "STEJ, LLC., Orangetown Family Entertainment Facility Site Plan", in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21A of the Code of the Town of Orangetown. The site is located on the north side of Old Orangeburg Road, approximately 500 feet east of the intersection with Veterans Memorial Drive, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 73.11, Block 1, Lot 1 (portion) and Section 73.11, Block 1, Lot 2 (portion) in the RPCR zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, February 11, 2009**, at which time the Board made the following determination:

Donald Brenner, Jay Greenwell, Dr. John Collins and Jerry Merola appeared and testified for the applicant.

The Board received the following communications:

1. Project Review Committee Reports dated January 21 and February 4, 2009.
2. Interdepartmental memorandums signed by John Giardiello, P.E., Director of the Office of Building, Zoning and Planning Administration and Enforcement, Town of Orangetown, dated January 7 & 28 and February 11, 2009.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering, (DEME) Town of Orangetown, signed by Bruce Peters, P.E., dated January 22, 2009.
4. A letter from the Rockland County Department of Planning, signed by Salvatore Corallo, Commissioner of Planning, dated January 26, 2009.
5. A letter from the Rockland County Department of Highways, signed by Sonny Lin, P.E., dated January 26, 2009.
6. A letter from Rockland County Sewer District #1, signed by Joseph LaFiandra, Engineer II, dated January 20, 2009.

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7. Copies of the following Board Decisions PB #05-43, Final Site Plan Approval Subject to Conditions, dated May 25, 2005, ACABOR #04-94, Approved Subject to Conditions, dated November 9, 2004 and PB #04-88, Preliminary Site Plan Approval Subject to Conditions, dated September 22, 2004.

8. A copy of a publication entitled Orangetown Family Entertainment Facility, prepared by AEVI, Aquatic Development Group, Inc. Bristin Brook Brynon and SCI, dated September 2008.

The Board discussed the information presented and a formal presentation was provided by Mr. Merola

**Public Comments:**

Andrew Wiley, 199 Orangeburg Road, Pearl River, raised concerns regarding the information in the files and disagreed with the concept of Reaffirmation of the Site Plan. He strongly objected to the development of the site, raising concerns regarding traffic, shared parking and drainage. Mr. Wiley stated that he would bring an Article 78 against the Board if the application was approved.

Watson Morgan, 139 Dryfus Lane, Blauvelt, raised concerns regarding the signage posted on the property notifying the public about the Planning Board Meeting. Mr. Morgan noted that there could be future issues with shared parking on the site.

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

**Reaffirmation of SEQRA:**

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

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

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

On motion by Robert Dell and seconded by Kevin Garvey and carried as follows: Bruce Bond, aye; Andy Stewart, 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 Reaffirmation of the Approved Site Plan for the Types of Recreational Uses presented to the Orangetown Town Board 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.

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**3.** The applicant and attorney representing the STEJ Recreation Center had appeared before the Orangetown Town Board on December 15, 2009 to present modifications of the recreational uses previously approved by the Town Board. The previous recreational uses consisted of two ice rinks, indoor soccer, and other ancillary recreational/ entertainment services. The new recreational uses being proposed are an ice rink, bowling, pool facilities, community center and other ancillary recreational/ entertainment services. On December 15, 2008, the Town Board determined the amended uses fell within the RPC-R zone district uses.

**4.** The applicant's attorney, Mr. Donald Brenner, indicated at the Town Board Meeting of December 15, 2008, the approved Site Plan would not change. Therefore, the representative for this application appearing before the Planning Board shall state on the record that the approved Site Plan will not be altered in any way. If the Site Plan is to change, then the applicant will require a Site Plan Amendment.

**5.** The Planning Board reviewed the new recreational uses being proposed and reaffirmed the Site Plan and SEQRA approvals relative to the new types of recreational uses being proposed. The Planning Board may request additional information to support the reaffirmation.

**6.** DEME has no objection to the reaffirmation of the approved Site Plan for the types of recreational uses presented to the Orangetown Town Board and reaffirmation of SEQRA. However, the proposed detention pond, which this site will tie into, shall be constructed prior to beginning construction on this site.

**7.** 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.

**8.** The Rockland County Department of Planning had the following recommendations:

An updated letter from the Rockland County Highway Department shall be obtained and all required permits acquired.

Since the Site Plan provided for this application is reduced in size, it is not possible to read all of the details. A large scale Site Plan shall be provided so that all details can be read and all of the notes on the approved Site Plan can be included. Examples of details that are difficult to read are the minor modifications that appear to have been made at the northeast and southeast corners of the building footprints.

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**Continuation of Condition #8...**

It is noted that a condition of Preliminary Site Plan Approval was that the Town of Orangetown and STEJ shall jointly fund the signalization of the intersection of Old Orangeburg Road and Veterans Memorial Drive. The new signal shall be coordinated with the signals at the Blue Hill North Road and Blaisdell Road intersections with Veterans Memorial Drive. There may be a need to reconfigure the geometry of Old Orangeburg Road where it meets Veterans Memorial Drive, particularly with regard to the angle of the approach to Old Orangeburg Road. Consideration shall also be given to whether a dedicated left turn lane is needed for the turn from Old Orangeburg Road into Veterans Memorial Drive.

The proposed signal may change traffic patterns for the office and industrial parks to the south (workers looking to go west who now use the Blaisdell traffic signal may choose to use the newly signalized intersection). The Rockland County Highway Department shall be satisfied that the traffic study takes this into consideration, including what improvements may be needed to accommodate the change in traffic patterns, such as additional lanes where Hunt Road intersects Veterans Memorial Drive.

It appears that the fronts of parked cars will overhang portions of the sidewalks that are proposed on islands in the parking lot. Car stop blocks shall be provided or a grassed strip, so that sufficient room is provided to prevent vehicles from overhanging into the sidewalks and to provide a comfort zone for pedestrians. In addition, these sidewalks shall be connected to clearly delineate crosswalks over the site access road.

Circulations by pedestrians between the ball fields immediately to the east and the family entertainment facility shall be provided. Since the family entertainment facility and emergency access way are proposed to be at a higher elevation than the ball fields to the east, a plan for how pedestrians will transverse the change in grad shall be provided. Also, an explanation must be provided regarding what family entertainment center facilities, such as restrooms, will be made available to users of the ball fields.

Detailed plans shall be provided that show where the support structures will be located for the underground parking proposed for employees.

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**Continuation of Condition #8...**

In reviewing the minutes of the Orangetown ACABOR, it is noted that they received a set of architectural plans dated October 15, 2004. A copy of these plans are requested by Rockland County Department of Planning, or more recently updated plans for review. The plans submitted for review shall clearly identify the square footage of space designated for each of the various uses in the family entertainment facility.

There were notes on the previously approved site plans indicated improvements, such as roadway and sidewalk improvements, drainage sewage service and other utilities to be provided "by others". Since there are major infrastructure improvements needed to support the proposed family entertainment facility, the parties providing these shall be determined prior to final site plan approval and specified on the Site Plan. If the Town is providing specific infrastructure supports, this shall be clearly stated.

In Note #28 on the approved site plan it was stated that storm drainage shall be conveyed off site to a central stormwater management facility. It is also noted that the ACABOR meeting minutes contain a reference indicating that drainage from the subject property will be to a Town owned site. Then engineering and legal mechanisms for this plan must be in place prior to Final Site Plan Approval. In the alternative, the subject site shall be designed so that there will be no net increase in stormwater runoff from the site.

A signage plans shall be provided that meets all Town requirements

A review must be completed and approval obtained from the Rockland County Department of Health for any project that requires extending the public sewer system.

Projects requiring water main extensions and all public water supply improvements shall be reviewed by the Rockland County Department of Health prior to construction. Plans must be signed and stamped by a New York State Professional Licensed Engineer and shall be accompanied by a completed NYS Department of Health Form 348, which must be signed by the public water supplier.

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.



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**Continuation of Condition #8...**

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

**9.** The Rockland County Highway Department reviewed the requested action and offered the following comments:

Plans submitted shall indicate either the Town or the Developer, will be responsible to construct/install the traffic light and turning lanes and other public improvements suggested in the traffic impact studies as part of this project.

James J. Dean, Orangetown Superintendent of Highways has presented to the Rockland County Highway Department on November 21, 2008, a Traffic Signal Design for Hunt Road/Old Orangeburg Road at the intersection of Orangeburg Road. Rockland County Highway Department response has indicated that they are concerned with the overall impact from the developments on this intersection. The proposed traffic signal design makes no mention of the left turn movement from Orangeburg Road as well as Old Orangeburg Road. A signal warrant study and proposed traffic signal phasing sequence and operations are needed for Rockland County Highway Department review and approval.

A revised plan shall be submitted to Rockland County Highway Department for review and approval demonstrating that the proposed turning movements, new signals and marking for the above (Old Orangeburg Road, Orangeburg Road and Hunt Road intersection) will provide a safe and efficient flow of traffic and improvements needed to accommodate the change in traffic patterns.

**10.** The applicant shall comply with previous applicable Board Decisions: PB #05-43, Final Site Plan Approval Subject to Conditions, dated May 25, 2005, ACABOR #04-94, Approved Subject to Conditions, dated November 9, 2004 and PB #04-88, Preliminary Site Plan Approval Subject to Conditions, dated September 22, 2004.

The Board made motions to override the following Recommendation for Modifications of the letter from the Rockland County Department of Planning, dated January 26, 2009:

**Override #3** of the letter from the Rockland County Department of Planning, dated January 26, 2009:

"#3. We continue to be concerned that there is only one access proposed for this site, and that this access will also be the only access to serve adjacent sites designated for future development. Even with the proposed emergency access and the re-opening of the eastern end of Old Orangeburg Road, we are concerned that there will not be an adequate system for dispersing traffic and for providing emergency vehicle access to the family entertainment facility and adjacent recreation facilities. Therefore, we recommend that multiple accesses be provided

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**Continuation of Over Ride #3.**

to this site. These accesses shall connect to as many roads as possible, including Convent Road and another location on Old Orangeburg Road. It is our understanding that the Town may be planning a road that will come from the east towards the family entertainment facility site, off of 3<sup>rd</sup> Avenue, and serve the playing fields immediately to the east of the family entertainment facility. If this is the case, this additional access, which will provide circulation for general traffic and emergency vehicle via Convent Road, shall be connected to the family entertainment facility site.”

The Planning Board held that based upon the testimony of the applicant and the applicant’s traffic consultant provided at the meeting that evening and previous meetings, as well as the written correspondence from the Town’s consultants, the Planning Board holds that the issue had been previously adequately addressed in its decision. The Planning Board further determined that access to Convent Road would bring an undesirable increase in traffic to Convent Road, which is a two lane road bounded by many residential properties. The Planning Board determined that directing traffic to Orangeburg Road was more desirable since this is a four lane road, and would have less negative impact on residences in the area. The motion was made by Robert Dell and seconded by Bruce Bond and carried as follows: Bruce Bond, aye; Jeff Golda, absent; William Young, aye; Robert Dell, aye; John Foody, aye; Kevin Garvey, aye and Andy Stewart, aye.

**Override #4** of the letter from the Rockland County Department of Planning, dated January 26, 2009:

“#4. We are concerned with the adequacy of a single 30-foot wide roadway to the family entertainment facility. The width of the proposed access road shall be increased and redesigned with a boulevard type entrance with landscape median strip, so that if one side is blocked by an accident or other occurrence, this access will still be available via the other side of the road.”

The Planning Board held that based upon the testimony of the applicant provided at the meeting that evening and previous meetings, as well as input from the Town’s consultants, the Planning Board holds that the issue had been previously adequately addressed in its decision. The roadway had been designed by the Town and built to Town specifications. The motion was made by Kevin Garvey and seconded by Bruce Bond and carried as follows: Bruce Bond, aye; Jeff Golda, absent; William Young, aye; Robert Dell, aye; John Foody, aye; Kevin Garvey, aye and Andy Stewart, aye.

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**Override #6** of the letter from the Rockland County Department of Planning, dated January 26, 2009:

“#6. A schematic drawing shall be provided showing how the proposed facility relates to development planned by the Town of Orangetown to the north and west. The schematic drawing, even if some of its elements are tentative and rely on others, shall be provided as part of the drawing set for the family entertainment facility.”

The Planning Board held that the applicant has no control over this issue, since the Town of Orangetown has development control to the north and west of the site. The Board reviewed additional information at the meeting and holds that the issue had been previously adequately addressed. The motion was made by Kevin Garvey and seconded by William Young and carried as follows: Bruce Bond, aye; Jeff Golda, absent; William Young, aye; Robert Dell, aye; John Foody, aye; Kevin Garvey, aye and Andy Stewart, aye.

**Override #9** of the letter from the Rockland County Department of Planning, dated January 26, 2009:

“#9. The RPCR zoning district regulations indicate that buildings in an RPCR District shall be designed in such a manner that views are attractive from multiple vantage point, including surrounding roads, trails, open spaces areas and other uses. The regulations further indicate that parking and loading areas shall be landscaped to adequately buffer buildings, parking and loading areas, and a landscape plan provide as part of site plan approval. The landscape plan shall include provides that allow various vantage points to be evaluated, as well as supplemental landscaping to further buffer the buildings, parking and loading areas from the public vantage points. The landscaping plan previously submitted did not adequately address these issues. Also, since the building appearance and footprint configuration are proposed to change, accommodating changes may need to be made in the landscaping plan.”

The Planning Board held the issue had been previously adequately addressed in prior decisions and with the testimony before the Board at tonight's Board Meeting that the change in use does not need to change the landscaping plan. The Town of Orangetown Architecture and Community Appearance Board Review previously reviewed and approved the design of the site. The motion was made by Kevin Garvey and seconded by John Foody and carried as follows: Bruce Bond, aye; Jeff Golda, absent; William Young, aye; Robert Dell, aye; John Foody, aye; Kevin Garvey, aye and Andy Stewart, aye.

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The foregoing Resolution was made and moved by Kevin Garvey and seconded by John Foody and carried as follows: Bruce Bond, aye; William Young, aye; John Foody, aye; Robert Dell, aye, Jeffrey Golda, absent; Kevin Garvey, aye and Andy Stewart, 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: February 11, 2009**

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

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

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

The PLANNING BOARD, TOWN OF ORANGETOWN, as Lead Agency, has determined that the proposed action described below will not have a significant impact on the environment and a Draft Environmental Impact Statement will not be prepared. The Planning Board further REAFFIRMED its prior negative declaration dated September 22, 2004, incorporated by reference herein, and finding that the change in use proposed will have no significant adverse environmental impacts.

**NAME OF ACTION:**

STEJ, LLC., Orangetown Family Entertainment Facility Site Plan

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

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

**DESCRIPTION OF ACTION: Reaffirmation of the Approved Site Plan for the Types of Recreational Uses Presented to the Orangetown Town Board and Reaffirmation of SEQRA**

**LOCATION:** The site is located on the north side of Old Orangeburg Road, approximately 500 feet east of the intersection with Veterans Memorial Drive, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 73.11, Block 1, Lot 1 (portion) and Section 73.11, Block 1, Lot 2 (portion) in the RPCR zoning district.

**REASONS SUPPORTING THIS DETERMINATION:**

The Orangetown Planning Board, as Lead Agency, reaffirmed its previous Negative Declaration dated September 22, 2004 and reaffirmed that the proposed action, with change in type of recreational use 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, as presented with change in type of recreational use, will not have a significant impact upon the environment and a DEIS need not be prepared

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

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 and the Board determined that the proposed action is not a substantial change from the Approved Site Plan other than the change in the types of Recreational Uses, which does not change the previous determination of a negative declaration for the proposed action.

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

For Further Information contact:

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

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

**PB #09-07-TOWN OF ORANGETOWN PLANNING BOARD DECISION;  
Harmony Hills Subdivision Plan– Recommendation to the Town Board to  
Release the Performance Bond  
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TO: Ed Lane, 4 Friar Tuck Court, Orangeburg, New York  
FROM: Orangetown Planning Board

The application of Ed Lane, owner, for Harmony Hills Subdivision, for the Recommendation to the Town Board to Release the Performance Bond in the amount of \$487,324.25, at a site known as “Harmony Hills Subdivision” in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21 of the Code of the Town of Orangetown. The site is located on Elizabeth Street, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 72.08, Block 3, Lot 83 in the R-15 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, February 11, 2009**, at which time the Board made the following determination:

Ed Lane and Donald Brenner appeared and testified for the applicant.

The Board received the following communications:

1. Project Review Committee Report dated February 4, 2009.
2. An interdepartmental memorandum signed by John Giardiello, P.E., Director of the Office of Building, Zoning and Planning Administration and Enforcement, Town of Orangetown, dated February 11, 2009.
3. An interdepartmental memorandum dated February 9, 2009, signed by Ronald Delo, P.E. BCEE, Director, Town of Orangetown Department of Environmental Management and Engineering, dated February 10, 2009 and James Dean, Superintendent of Highways, dated February 11, 2009.
4. PB #99-29, Recommendation to the Town Board to Establish the Performance Bond, dated February 10, 1999.
5. A copy of an interdepartmental memorandum signed by Robert V. Magrino, Deputy Town Attorney, Town of Orangetown, dated January 21, 2009 to Cheryl Coopersmith, Chief Clerk to the Boards.

The Board discussed the Release of the Performance Bond.

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

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

**PB #09-07-TOWN OF ORANGETOWN PLANNING BOARD DECISION;  
Harmony Hills Subdivision Plan– Recommendation to the Town Board to  
Release the Performance Bond  
February 11, 2009  
Page 2 of 2**

**RECOMMENDATION: In view of the foregoing, the Board RECOMMENDED to the Town Board to RELEASE the Harmony Hills Subdivision – Performance Bond Subject to the Following Conditions:**

1. The Departments of Department of Environmental Management and Engineering and the Highway Department recommends the release of the Performance Bond provided the applicant posts a cash escrow to cover minor outstanding items as noted:

The Town Board recently accepted Elizabeth Street extension as a public road. At this time, the only items outstanding with respect to this subdivision are the submission to the Town are Final As-Builts plans, Monumentation and Pump Station Training Manual. Bruce Peters of the Town of Orangetown Department of Environmental Management and Engineering has indicated that the sum of \$9,200.00 would be sufficient to cover the costs of these items. Therefore, the release of the performance bond is subject to the condition that the developer post the sum of \$9,200.00 with the Town of Orangetown, to be held in escrow, until such time as the developer provides final As-Builts Plans, Monumentation, and Pump Station Training Manuals. In the event the developer fails to provide these items in a timely fashion, the Town of Orangetown will seek authorization from the Town Planning Board to keep the funds deposited for the purpose of completing these items.

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

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

**Dated: February 11, 2009**

**PLANNING BOARD**

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



**PB #09-09: TOWN OF ORANGETOWN PLANNING BOARD DECISION**  
**Tappan Golf Range Site Plan; Final Site Plan Approval**  
**Subject to Conditions**  
**February 11, 2009**  
**Page 1 of 10**

TO: Donald Brenner, P.E., LL.B.; 4 Independence Ave. Tappan,  
New York 10983  
FROM: Orangetown Planning Board  
RE: The application of Closter Golf Inc., II, owners for Final Site Plan  
review for the construction of additional golf stalls, seating and waiting area,  
maintenance building, batting cages, go kart track and ancillary items, including  
parking and driveway pavements on 24.82 acre parcel, known as "**Tappan Golf  
Range Site Plan**", in accordance with Article 16 of the Town Law of the State of  
New York, the Land Development Regulations of the Town of Orangetown,  
Chapter 21A of the Code of the Town of Orangetown. The site is located at 1118  
Route 303, Tappan, Town of Orangetown, Rockland County, New York and as  
shown on the Orangetown Tax Map as Section 74.19, Block 1, Lot 1 in the LI  
zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held  
**Wednesday, February 11, 2009**, at which time the Board made the following  
determinations.

Donald Brenner and William Youngblood appeared and testified.

The Board received the following communications:

1. A Project Review Committee Report dated February 4, 2009.
2. An interdepartmental memorandum from the Office of Building, Zoning,  
Planning Administration and Enforcement, Town of Orangetown, signed by  
John Giardiello, P.E., Director, dated February 11, 2009.
3. An Interdepartmental memorandum from the Department of Environmental  
Management and Engineering (DEME), Town of Orangetown, signed by  
Bruce Peters, P.E. dated February 9, 2009.
4. A letter from HDR signed by Harvey Goldberg, P.E., dated  
January 19, 2009.
5. A letter from the Rockland County Department of Planning, signed by  
Salvatore Corallo, Commissioner of Planning dated February 6, 2009.
6. A letter from Rockland County Highway Department, signed by Joseph Arena,  
Principal Engineering Technician, dated January 29, 2009.
7. A letter from Rockland County Department of Health, signed by Scott McKane,  
P.E., Senior Public Health Engineer, dated December 31, 2008.
8. A letter from the New York State Department of Transportation, signed by  
Mary Jo Russo, dated April 2, 2008.
9. Copies of previous Board Decisions: ACABOR #07-37, Approved Subject to  
Conditions, dated May 20, 2007; ACABOR #08-41, Approved Subject to  
Conditions, dated September 23, 2008 and PB #06-48, Preliminary Site Plan  
Approval Subject to Conditions, dated April 9, 2008.

**PB #09-09: TOWN OF ORANGETOWN PLANNING BOARD DECISION**  
**Tappan Golf Range Site Plan; Final Site Plan Approval**  
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10. Site Plans prepared by William Youngblood Land Surveying, dated June 29, 2005, last revision date of December 8, 2008, unless otherwise noted:  
Drawing 1 of 24: Revised Site Plan  
Drawing 2 of 24: Grading & Utility Plan  
Drawing 3 of 24: Grading & Utility Plan Detail Area B  
Drawing 4 of 24: Landscape Plan  
Drawing 5 of 24: Existing Tree Plan  
Drawing 6 of 24: Track Details & General Notes  
Drawing 7 of 24: Track Trail & Tire Installation  
Drawing 8 of 24: Track Island Details, revised August 12, 2008  
Drawing 9 of 24: Track Gate Detail  
Drawing 10 of 24: Track Electrical  
Drawing 11 of 24: Existing Drainage Conditions  
Drawing 12 of 24: Proposed Drainage Conditions  
Drawing 13 of 24: Detail Plan  
Drawing 14 of 24: Detail Plan  
Drawing 15 of 24: Detail Plan  
Drawing 16 of 24: Detail Plan  
Drawing 17 of 24: Profile Plan  
Drawing 18 of 24: Profile Plan, dated June 29, 2005.  
Drawing 19 of 24: Detail Plan, dated June 29, 2005.  
Drawing 20 of 24: Detail Plan, dated June 29, 2005.  
Drawing 21 of 24: Detail Plan, dated June 29, 2005.  
Drawing 22 of 24: Detail Plan, dated June 29, 2005.  
Drawing 23 of 24: Detail Plan, dated June 29, 2005.  
Drawing 24 of 24: Detail Plan, dated June 29, 2005.

The hearing was then opened to the Public. There being no one to be heard from the Public, a motion was made to close the Public Hearing portion of the meeting by Kevin Garvey and seconded by Bruce Bond and carried as follows:  
Bruce Bond, aye; John Foody, aye; Jeffrey Golda, absent; William Young, aye, Andy Stewart, aye; Robert Dell, 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 applicant shall comply with all applicable previous Board Decisions: ACABOR #08-41, Approved Subject to Conditions, dated September 23, 2008; ACABOR #07-37, Approved Subject to Conditions, dated May 20, 2007; and PB #06-48, Preliminary Site Plan Approval Subject to Conditions, dated April 9, 2008.

**PB #09-09: TOWN OF ORANGETOWN PLANNING BOARD DECISION**  
**Tappan Golf Range Site Plan; Final Site Plan Approval**  
**Subject to Conditions**  
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2. The following note shall be placed on the Site Plan:” At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a meeting.”
3. Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations
4. The “Go Kart Track Sound Levels in the Surrounding Community” report shall bear the seal of the Professional Engineer.
5. The applicant shall provide a light confirmation report by a professional engineer after the lights are installed and operating fully and prior to the issuance of a Certificate of Occupancy.
6. The owner of the existing easements shall be noted on the Site Plan.
7. The revised stormwater pollution prevention plan is currently under review by DEME. However, a maintenance agreement (in accordance with NYSDEC Phase II regulations) for the proposed stormwater systems shall be submitted to DEME and the Town of Orangetown Town Attorney’s Office for review and approval in substance and form. Said agreement shall include a maintenance and management schedule, inspection check lists, contact person with telephone number, yearly report to be submitted to DEME, etc.
8. Because the Perc Rate is assumed, a field Perc Test shall be administered prior to receiving Final Approval for Site Plan, to ensure adequacy of designed drainage system. The applicant’s engineer shall provide a copy of the filed Perc Test to DEME and the Building Department.
9. Sanitary calculations for the proposed site, prepared and sealed by a New York State Licensed Professional Engineers, shall be submitted to DEME for review and approval.
10. The Applicant proposes to construct additional two story golf stalls, seating and waiting area, maintenance building, batting cages, go kart track and ancillary items including parking and driveway pavements on a 24.82 acre parcel off Route 303. The Applicant proposes to construct two separate storm water detention systems on the site; one system in the northeasterly part of the site consisting of a sump pit, seven water quality drywells and 60-in below grade detention pipes, and one system in the southeasterly part consisting of two detention drywells. On site storm sewers are also proposed. The Drainage Consultant in its previous review letter dated March 24, 2008, recommended acceptance for drainage subject to a number of conditions, the following of which have not been satisfied:

**Continuation of Condition #10...**

1. Calculations and profiles for the proposed storm sewers have been provided, however, hydraulic grade line elevations must be added to the profiles showing the maximum water levels at each structure for a 100-yr storm with the 60-in storage pipes full.
  2. A cross-sectional detail showing how the water quality drywells will be interconnected and how they will be connected to the sump and storage pipes has been shown on Sheet 14. However, the detail has not been drawn to scale and is deceptive (e.g. the bottoms of the Drywells and Inlet Structure are 5.5-ft different but are shown as approximately the same elevation, the 18-in inlet pipe to the Inlet Structure is shown near the top in one section and near the bottom in the other section, the inverts of the upper interconnecting pipes in the Drywells are not shown correctly, etc). The detail must be drawn to correct vertical scale and shall also show the 100-yr maximum water elevation at each structure. The manufacturer and model number for the Drywell manholes must be provided.
  3. Details of the outlet control structure and inlet structure are shown on Sheet 15, however, the details are not drawn to scale as requested and must therefore be revised. The manufacturer and model number for the 30-in manhole covers must be provided (Campbell #1197 does not have a 30-in opening). The top and bottom elevations of the chambers must be shown on the detail.
  4. The proposed parking area on Sheet 2 does not show grading or drainage information. The Applicants Engineer states that the proposed parking area will drain by sheet flow to inlets in the grass area. However, there is insufficient grading information on the plans to support this. A more positive drainage system consisting of curbs, catch basins and storm sewers be provided to capture and direct parking area runoff to the proposed detention system.
- 11.** The Rockland County Department of Planning had the following recommendations:
- Since the fueling station will contain a tank of 1000 gallons, a review must be done by the Rockland County Health Department and all required permits obtained.
- The revised Site Plan shall comply with the provisions of the Route 303 Overlay Zone.

**PB #09-09: TOWN OF ORANGETOWN PLANNING BOARD DECISION**  
**Tappan Golf Range Site Plan; Final Site Plan Approval**  
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**Continuation of Condition #11...**

A lighting plan that demonstrates that there will be no light spillage into the right of way of the Palisades Interstate Parkway (PIP) or Route 303 must be submitted. In addition, Section 2.2 of the Site Lighting Analysis that was previously submitted indicated that, when evaluating light levels at the existing golf driving range, measurements were taken when the seasonal lighting for the driving tees and the parking lot at the northwest corner of the site were not on. The applicant shall clarify if the lights were turned on for the study event.

The concerns expressed in the March 14, 2008 letter from the Palisades Interstate Park Commission (PIPC) shall be addressed and the required plan revisions made before Site Plan approval is granted. An updated letter from the PIPC, indicating that the proposed plans are acceptable, shall be obtained.

If the Town's existing law's and administrative procedures related to noise could be used to develop specifications for the go-kart use and for monitoring of its impacts, this shall be considered. Compliance with the Town's noise related performance standards shall be required, as applicable, and in this case, also made applicable to noise entering the Palisades Interstate Parkway right of way.

The wetlands identified within the Conservation Easement are classified as federal wetlands. Copies of correspondence regarding any needed review or permitting by the U.S. Army Corps of Engineers shall be provided.

Any permits required from the New York State Department of Transportation shall be obtained.

It is the Rockland County Department of Planning's understanding that the Town has accepted or adopted the Palisades Interstate Parkway Corridor Management Plan. If this is the case, the proposed revised Site Plan shall be evaluated by the Board for consistency with the design concepts established in the Plan for the subject property.

An updated signage plan shall be provided that complies with all Town requirements.

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

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.

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

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).

**PB #09-09: TOWN OF ORANGETOWN PLANNING BOARD DECISION**  
**Tappan Golf Range Site Plan; Final Site Plan Approval Subject to**  
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**Continuation of Condition #11...**

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.

**12.** The Rockland County Department of Highway reviewed the Site Plan and information and found that the proposed project should have a de minimis impact to county roads in the area.

**13.** The Rockland County Department of Health (RCDOH) reviewed the revised plans through December 8, 2008. All comments from its letter of March 3, 2008 have been adequately addressed.

**14.** The New York State Department of Transportation reviewed the plan dated February 27, 2009 and found the proposed development should not have a major impact on the state right of way. The only comment is as follows: The plans shall indicate a limit of disturbance to ensure work will not be done on the State right of way without prior approval.

**15.** 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.

**16.** The following note shall be placed on the Site Plan:

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

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

One (1) foot radius from trunk per inch DBH

Drip line of the Tree Canopy: The method chosen should be based on providing the maximum protection zone possible. A barrier of snow fence or equal is to be placed and maintained one yard beyond the established tree protection zone. If it is agreed that the tree protection zone of a selected tree must be violated, one of the following methods must be employed to mitigate the impact: Light to Heavy Impacts – Minimum of eight inches of wood chips installed in the area to be protected. Chips shall be removed upon completion of work. Light Impacts Only – Installation of ¾ inch of plywood or boards, or equal over the area to be protected.

**PB #09-09: TOWN OF ORANGETOWN PLANNING BOARD DECISION**  
**Tappan Golf Range Site Plan; Final Site Plan Approval**  
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**Continuation of Condition #16...**

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

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

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

**19.** 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.

**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.

**PB #09-09: TOWN OF ORANGETOWN PLANNING BOARD DECISION**  
**Tappan Golf Range Site Plan; Final Site Plan Approval Subject to**  
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**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, and signs and refuse control.

The Board made motions to override the following Recommendations for Modifications of the letter from the Rockland County Department of Planning, dated February 6, 2009:

**Override #1** of the letter from the Rockland County Department of Planning, dated February 6, 2009:

“#1. We are raised concerns regarding golfers hitting golf balls a distance of greater than 300 yards from the southeastern part of the site towards the parking areas, access road and the exit ramp of the Palisades Interstate Parkway to the north. Previous plans referred to poles with netting along the eastern edge of the golf area. What is planned as a means of preventing golf balls from entering the site parking areas and the exit ramp of the Palisades Interstate Parkway.”

The Planning Board held that the Site Plan has been modified and that this issue has been adequately addressed. The motion was made by Kevin Garvey and seconded by Andy Stewart and carried as follows: Bruce Bond, aye; Jeff Golda, absent; William Young, aye; Robert Dell, aye; John Foody, aye; Kevin Garvey, aye and Andy Stewart, aye.

**Override #4** of the letter from the Rockland County Department of Planning, dated February 6, 2009:

“#4. Though the landscaping plan is detailed, the 25' vegetated buffer required in the Route 303 Overlay Zone is lacking. The landscape plan shall be revised to clearly identify the plants and their planned locations within the required 25-foot-wide vegetated buffer. As indicated in the Route 303 Overlay Zone regulations, the buffer is to contain native or planted vegetation a minimum of six feet high, at the time of planting.”



**PB #09-09: TOWN OF ORANGETOWN PLANNING BOARD DECISION**  
**Tappan Golf Range Site Plan; Final Site Plan Approval Subject to**  
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The Planning Board held that project site and is not encroaching into the buffer and that there is existing previous landscaping on the site. The motion was made by Kevin Garvey and seconded by Bruce Bond and carried as follows: Bruce Bond, aye; Jeff Golda, absent; William Young, aye; Robert Dell, aye; John Foody, aye; Kevin Garvey, aye and Andy Stewart, aye.

**Override #7** of the letter from the Rockland County Department of Planning, dated February 6, 2009:

“#7. It is our understanding that the bridge planned to be part of the go-kart path will be approximately 5.5 feet above grade. To assess visual impacts, a drawing should be provided that illustrates the relative grades of the go-kart track features, such as the bridge, in relation to grades of the nearby PIP road surfaces.”

The Planning Board held that the applicant testified that the bridge has been removed as part of the project site. The motion was made by Kevin Garvey and seconded by Bruce Bond and carried as follows: Bruce Bond, aye; Jeff Golda, absent; William Young, aye; Robert Dell, aye; John Foody, aye; Kevin Garvey, aye and Andy Stewart, aye.

**Override #16** of the letter from the Rockland County Department of Planning, dated February 6, 2009:

“# 16. Information shall be provided regarding how the May 29, 2007 letter from the New York State Department of Environmental Conservation to Salvatore Corallo was addressed with regard to a cultural resources assessment. The reasons noted in the letter for preparation of such as assessment were that the statewide inventory of archaeological resources indicates that the project is located within an area considered to be sensitive with regard to archaeological resources and that the Palisades Interstate Parkway is listed on the National and State Registers of Historic Places.”

The Planning Board held that the Planning Board already has a letter from the Palisades Interstate Park Commission stating that the applicant has met all of its concerns. The Board noted that this site has historically been regraded a number of times. The motion was made by Kevin Garvey and seconded by William Young and carried as follows: Bruce Bond, aye; Jeff Golda, absent; William Young, aye; Robert Dell, aye; John Foody, aye; Kevin Garvey, aye and Andy Stewart, aye.

**PB #09-09: TOWN OF ORANGETOWN PLANNING BOARD DECISION  
Tappan Golf Range Site Plan; Final Site Plan Approval Subject to  
Conditions  
February 11, 2009  
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The foregoing Resolution was made and moved by Kevin Garvey seconded by Bruce Bond and carried as follows: Bruce Bond, aye; William Young, aye; Andy Stewart, aye; John Foody, aye; Robert Dell, nay, Jeffrey Golda, absent and Kevin Garvey, aye.

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

(Minority Opinion: Robert Dell, nay – concerns of noise level of go-karts)

**Dated: February 11, 2009**

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

**PB #08-55: TOWN OF ORANGETOWN PLANNING BOARD DECISION**

**The Promenade Assisted Living Facility Site Plan; Preliminary Site Plan Approval  
Subject to Conditions/ Neg. Dec.**

**February 11, 2009**

**Page 1 of 12**

FROM: Orangetown Planning Board

RE: The application of Blue Hill Development LLC, owner, for Prepreliminary/Preliminary Site Plan Review for a proposed Site Plan to be known as "**The Promenade Assisted Living Facility 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 Plan. The site is located at 582 Veterans Memorial Drive, Pearl River, New York; north side of Veterans Memorial Drive, 0 feet from the intersection of Gilbert Avenue, Pearl River, New York. Tax Map: 73.05/1/53.1; OP zoning district.

Heard by the Planning Board of the Town of Orangetown at meetings held **Wednesday, September 24, 2008, Monday, October 6, 2008, Wednesday, January 14 and February 11, 2009**, at which time the Board made the following determinations:

**September 24, 2008**

Donald Brenner and Thomas Vanderbeek appeared and testified for the applicant.

The Board received the following communications:

1. A Project Review Memo 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 18, 2008.
4. A letter from HDR signed by Harvey Goldberg, P.E., dated September 2, 2008.
5. A letter from the Rockland County Department of Planning, signed by Salvatore Corallo, Commissioner of Planning, dated September 8, 2008.
6. A letter from the Rockland County Department of Highways, signed by Sonny Lin, P.E., dated September 16, 2008.
7. A letter from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated August 4, 2008.
8. A letter from Rockland County Sewer District #1, signed by Joseph LaFiandra, Engineer II, dated September 8, 2008.

**PB #08-55: TOWN OF ORANGETOWN PLANNING BOARD DECISION**

**The Promenade Assisted Living Facility Site Plan; Preliminary Site Plan Approval  
Subject to Conditions/ Neg. Dec.**

**February 11, 2009**

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9. Letters from Rockland County Drainage Agency, signed by Edward Devine, Executive Director, dated August 20 & September 11, 2008.
10. Short Environmental Assessment Form dated July 18, 2008.
11. Plans prepared by Greater Hudson Valley Engineering, dated July 10, 2008:
  - Sheet 1: Cover Sheet
  - Sheet 2: Existing Conditions Plan
  - Sheet 3: Subdivision Plot Plan
  - Sheet 4: Planimetric Site Plan
  - Sheet 5: Grading & Utility Plan
  - Sheet 6: Landscaping & Lighting Plan
  - Sheet 7: Erosion Control Plan

The Board reviewed the Site 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 Anthony Iurica and carried as follows: Bruce Bond, aye; Anthony Iurica, aye; Kevin Garvey, aye; John Foody, aye; Jeffrey Golda, absent; Robert Dell, aye and William Young, aye.

A motion was made to re-open the Public Hearing portion of the meeting by Kevin Garvey and seconded by Bruce Bond and carried as follows: Bruce Bond, aye; Anthony Iurica, aye; Kevin Garvey, aye; John Foody, aye; Jeffrey Golda, absent; Robert Dell, aye and William Young, aye.

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

**October 6, 2008**

Donald Brenner and Thomas Vanderbeek appeared and testified for the applicant.

The Board received the following communications:

1. A Project Review Report dated October 1, 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 October 6, 2008.
3. A copy of the drainage approval letter dated October 12, 1999, from William Youngblood Associates, signed by William Youngblood, P.E..

**PB #08-55: TOWN OF ORANGETOWN PLANNING BOARD DECISION**

**The Promenade Assisted Living Facility Site Plan; Preliminary Approval Subject to Conditions/ Neg. Dec.**

**February 11, 2009**

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The Board reviewed the Site Plan.

The Board requested that the drainage be "Reaffirmed by DEME".

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

**January 14, 2009**

Donald Brenner and Thomas Vanderbeek appeared and testified for the applicant.

The Board received the following communications:

1. A Project Review Memo dated January 7, 2009.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated January 14, 2009.
3. Interdepartmental memorandums from the Department of Environmental Management and Engineering, (DEME) Town of Orangetown, signed by Bruce Peters, P.E., dated January 14 & 9, 2009.

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

**February 11, 2009**

Donald Brenner and Thomas Vanderbeek appeared and testified for the applicant.

The Board received the following communications:

1. Project Review Reports dated February 4 and January 21, 2009.
2. Interdepartmental memorandums from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated February 11, January 28 and September 24, 2009.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering, (DEME) Town of Orangetown, signed by Bruce Peters, P.E., dated January 26, 2009.

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**Public Comment:**

Andrew Wiley, 199 Orangeburg Road, Pearl River, raised concerns regarding the process used in advertising the project for the meeting. He discussed the drainage impact to the surrounding properties.

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

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

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

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On motion by Bruce Bond and seconded by Kevin Garvey and carried as follows: Bruce Bond, aye; Andy Stewart, 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 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 Town of Orangetown Zoning Board of Appeals granted a Use Variance for the property as ZBA #98-58 and modified as ZBA #99-20 for a single 13 acre parcel of property which now the applicant is proposing to subdivide into two (2) lots. The intention of the Zoning Board of Appeals in granting the Use Variance was for Assisted Living Suites. The applicant is now requesting a modification of the project to include kitchens in each of the units. The following comments apply for the Site Plan:

The Use Variance shall be reestablished at the Zoning Board of Appeals for the proposed modifications to the project.

All yard setbacks, both existing and proposed need to be shown on each parcel.

The Full Environmental Assessment Form, page 3, item #2, indicates the total project area of 12.9 acres, yet the actual acreage for lot #2 is 6.52 acres. Please clarify.

The original approval for the proposed building was for 75 units and a total of 79 beds. Please indicate the total number of beds proposed for the new facility on lot #2.

The Bulk Table shall list all items for both proposed subdivision lots.

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- 4.** Although the Storm Water Pollution Prevention Plan (SWPPP) for the Site Plan is still under review by DEME, the included drainage calculations, last updated 1/23/09 are acceptable, on the condition that the existing basin's performance is reviewed for water quality performance (as per the engineer's letter of 1/23/09.) The applicant's engineer is reminded that the two proposed drywells shall be removed from the Site Plan, because the runoff from all of the proposed new impervious areas will be tied into the existing detention basin. DEME references letters dated January 26, 2009, January 14, 2009 and January 9, 2009. All information contained in those letters must be submitted and subject to review and approval by DEME.
- 5.** Drainage calculations and Stormwater Pollution Prevention Plan, 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.
- 6.** A post construction stormwater maintenance agreement (in accordance with NYSDEC Phase II regulations) for the proposed stormwater systems shall be submitted the DEME and the Town of Orangetown Town Attorney's Office for review and approval Said agreement shall include a maintenance and management schedule, inspection check list, contact person with telephone number, yearly report to be submitted to DEME, etc.
- 7.** The soil erosion and sediment control plans and details are under review by DEME. However, the proposed silt fence shall be depicted to run along the contours, not across them.
- 8.** Sanitary calculations for the proposed site, prepared and sealed by a New York State Licensed Professional Engineers, shall be submitted to DEME for review and approval.
- 9.** The page and liber/instrument number, as well as ownership for all easements/dedications shall be given on the plans.
- 10.** A Note shall be added to the Site Plan indicating the source benchmark for the referenced datum, including the BM elevation.
- 11.** Typical details shall be included with the drawings (i.e. catch basin, manhole, manhole frame cover with cover details (including Town name and date), pavement curbing, etc.)



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**12.** The Drainage Consultant to the Planning Board recommends that the applicant submit a drainage plan and grading plan, supported by calculations, to 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 shall be signed and sealed by a New York State P.E.

**13.** The Rockland County Department of Planning had the following recommendations:

A review shall be completed by the Rockland County Department of Highways and all required permits obtained.

Since the property has been partially cleared, soil erosion measures that meet all applicable regulations shall be in place and verified to the satisfaction of the Town. Prior to the start of any additional construction or grading, a soil and erosion control plan shall be developed and 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 run off from the site.

Since the circulation road that serves Promenade 1 is located close to the proposed lot line, either an easement to allow the owner of Lot #1 to easily maintain the road shall be provided, or the lot line shall be adjusted southward to allow adequate space for future maintenance.

Prior to final site plan approval, a signage plan that meets all Town requirements shall be provided.

The landscaping plan does not include a listing of the proposed plants. The amount of landscaping proposed is very scant. Additional landscaping must be provided to help buffer this use from the surrounding uses, with special attention to how the area proposed to be graded along the southern and southeastern borders of lot #2 will be stabilized and planted with screening materials. A detailed landscaping plan with adequate plantings must be provide for review.

Since the Rockland County T.R.I.P.S. program will be providing transportation services to elderly and handicapped individuals, the canopy over the entrance area must have a height that meets the requirements for their vehicles. In addition, the circulation pattern must be designed so that the T.R.I.P.S. vehicles can perform pick-ups and drop-offs without the need to back the vehicles, since regulations prohibit the vehicles from backing. Please contact the T.R.I. P.S. office at (845)364-3607.

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.

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**Continuation of Condition #13...**

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.

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

Note #7 on the Site Plan shall be revised to refer to Section 239-n of the New York State General Municipal Law.

Note #8 on the Site Plan is incomplete and missing information about the benchmark. This information must be provided.

An underground parking plan must be provided, showing access, structural supports, and handicapped parking spaces.

**The Rockland County Department of Planning requests the opportunity to review any variances that may be requested to implement the revised subdivision plan, as required by New York State General Municipal Law, Section 239 – m (3)(a)(v).**

14. The Rockland County Department of Highways reviewed the Site Plan and provided the following comments:

A copy of the drainage calculations need to be forward for additional review and approval. There shall be a Zero Net increase in storm water runoff from this site.

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**Continuation of Condition #14....**

A copy of the traffic impact study shall be provided for additional evaluation. A discussions shall be made regarding the need to adjust the phasing sequence together with the Hollows development near by and add turning lanes to assist traffic flow. Existing and proposed signage along Veterans Memorial Drive shall be shown on the Site Plan.

The cumulative effects from the overall major impacts at the surrounding areas along Veterans Memorial Drive corridor shall be presented with a comprehensive study and consideration.

Rockland County Highway Department Work Permit will be required prior to the start of excavation or construction performed with this project.

Separate additional Rockland County Highway Department Road Opening Permits will be necessary should the applicant find it necessary to improve and/or upgrade any existing sanitary sewer or utility connections which involve disruption to the paved surface within Veterans Memorial Drive.

**15.** 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.

**16.** The Town of Orangetown Bureau of Fire Prevention review the Site Plan and provided the following comments:

All driveways/roadways must be a minimum of 26 feet wide curb to curb, to allow emergency vehicles access. In addition, there shall be an unobstructed height of 13 feet six inches maintained at all times in all roadways/driveway area.

All paved areas other than designated/marked parking spots shall be Fire Lanes. (Signs and appropriate striping shall be provided and maintained by owner).

The driveway on the west side of the building is in excess of 300 feet in length, therefore, a turnaround designed as per code must be constructed.

**Requirements for Dead-End Fire Apparatus Access Roads**

<b>LENGTH (feet)</b>	<b>WIDTH (feet)</b>	<b>TURN-AROUNDS REQUIRED</b>
0-150	20	None required
151-500	20	120 foot Hammerhead, 60 foot "Y" or 96 foot diameter cul-de-sac in accordance with Figure D103.1

The access road in the rear of the building shows a width of 12 feet using pavers and grasscrete. This needs to be widened, and it is the experience of the Bureau with grasscrete that during the winter months, proper snow removal does not take place. In addition, proper curb cuts to allow for access must be provided.

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**17.** 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.

**18.** 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 Highway
- Rockland County Drainage Agency
- Rockland County Department of Health
- Rockland County Sewer District #1
- Town of Orangetown Zoning Board of Appeals

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

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

**21. 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.

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**22.** 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.

**23.** 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.

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

**25.** 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).

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

**27.** 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

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

The foregoing Resolution was made and moved by Bruce Bond 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, 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: February 11, 2009**

**Town of Orangetown  
Planning Board**

Planning Board OBZPAE  
Env. Mgt. Eng. HDR  
PRC

RC Planning  
Town Board

RC Drainage  
Assessor

RC Highway  
Town Attorney

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

**The Promenade Assisted Living Facility Site Plan; Preliminary Approval Subject to Conditions/ Neg. Dec.**

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**February 11, 2009**

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: The Promenade Assisted Living Facility 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 582 Veterans Memorial Drive, Pearl River, New York; north side of Veterans Memorial Drive, 0 feet from the intersection of Gilbert Avenue, Pearl River, New York. Tax Map: 73.05/1/53.1; OP 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

