

**TOWN OF ORANGETOWN PLANNING BOARD
MEETING OF FEBRUARY 24, 2010**

MEMBERS PRESENT:

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

MEMBERS 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

Bruce Bond, 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:

Continued from the December 9, 2009 Meeting:

Ramsay Subdivision Plan Prepreliminary/Preliminary Subdivision Plan & SEQRA Review 77.08/5/33; RG zoning district	Preliminary Approval Subject to Conditions Neg. Dec.	PB #08-66
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New Items:

155 Corporate Drive Site Plan Prepreliminary/Preliminary Site Plan and SEQRA Review 73.15/1/18 and 73.19/1/1, LIO zoning district	Postponed to 3/10/10	PB #10-05
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Tappan Free Library Resubdivision Plan Prepreliminary/Preliminary/ Final Resubdivision Plan and SEQRA Review, Tappan Historic Area 77.11.3.65 & 66, CS zoning district	Continued to 3/10/10	PB #10-09
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Tappan Free Library Site Plan Prepreliminary/Preliminary Site Plan and SEQRA Review Tappan Historic Area 77.11.3.65 & 66, CS zoning district	Continued to 3/10/10	PB #10-10
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Walsh Subdivision Plan Request for 2 nd 90 Day Extension to File Subdivision Plat with the Rockland County Clerk's Office 64.20/1/3; R-40 zoning district	Granted 2nd 90 Day Extension to May 4, 2010	PB #10-11
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Continued from April 6, 2009 Meeting:

S. Corner Plaza Site Plan Prepreliminary/Preliminary Site Plan and SEQRA Review 74.11/2/47; CC zoning district	Continued: Needs Drainage	PB #09-20
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The decisions of the February 10, 2010 Planning Board Meeting was reviewed, edited and approved. The motion for adoption was made and moved by Bruce Bond and seconded by Kevin Garvey and carried as follows: Robert Dell, abstain; Kevin Garvey, aye; Bruce Bond, aye; Jeffrey Golda, absent, John Foody, aye; Andy Stewart, aye and William Young, aye.

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

Since there was no further business to come before the Board, a motion to adjourn the meeting was made by Kevin Garvey and seconded by John Foody and agreed to by all in attendance. The meeting was adjourned at 9:15 p.m. The next Planning Board meeting is scheduled for March 10, 2010.

DATED: February 24, 2010
Planning Board Town of Orangetown

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TO: Jay Greenwell, PLS, 85 Lafayette Avenue, Suffern, New York 10901
FROM: Orangetown Planning Board

RE: The application of Kevin Ramsay, owner, for Prepreliminary/Preliminary for a subdivision to be known as "**Ramsay 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 and to determine the environmental significance of the application pursuant to the requirements of the New York State Environmental Quality Review Act. The site is located at 110 Sparkill Avenue, Southeast corner of the intersection of Sparkill Avenue and William Street, Sparkill, Town of Orangetown, Rockland County, New York and as shown on the Orangetown Tax Map as Section 77.08, Block 5, Lot 33 in the RG zoning district.

Heard by the Planning Board of the Town of Orangetown at meetings held, **Wednesdays, December 10, 2008, December 9, 2009 and February 24, 2010** at which time the Board made the following determinations:

December 10, 2008

Kevin Ramsay and Jay Greenwell appeared and testified.

The Board received the following communications:

1. A Project Review Committee Report dated December 3, 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 December 10, 2008.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering, (DEME) Town of Orangetown, signed by Bruce Peters, P.E., dated December 5, 2008.
4. A letter from HDR signed by Harvey Goldberg, P.E., dated November 18, 2008.
5. Letters from the Rockland County Department of Planning, signed by Eileen Miller, dated December 1, 2008 and Salvatore Corallo, Commissioner of Planning, dated December 2, 2008.
6. A letter from Rockland County Department of Highways, signed by Joseph Arena, Principal Engineering Technician, dated October 29, 2008.
7. Letters from Rockland County Drainage Agency, signed by Edward Devine, Executive Director, dated October 29 and April 2, 2008.

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8. Letters from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated October 24, 2008.
9. A letter from the Rockland County Sewer District #1, signed by Joseph LaFiandra, Engineer II, dated December 2, 2008.
10. A letter from the Village of Piermont, signed by Christopher Sanders, dated November 6, 2008.
11. A letter from the Town of Orangetown Zoning Board of Appeals, signed by William Mowerson, Chairman, dated November 5, 2008.
12. PB #08-21, Consultation, dated April 23, 2008.
13. A Short Environmental Assessment Form dated October 1, 2008, signed by Kevin Ramsay.
14. Hydrologic Analyses prepared by Leonard Jackson Associates dated September 22, 2008.
15. Plans prepared by Jay Greenwell, PLS:
 - Sheet 1: Subdivision – Average Density dated January 1, 2008, revised October 10, 2008
 - Sheet 2: Grading, Drainage, Utility & Soil Erosion Plan dated October 10, 2008
 - Sheet 3: Tree Plan dated September 29, 2008
 - Sheet 4: Details dated October 10, 2008
16. A letter signed by Larry Vail, The Sparkill Watershed Conservancy, dated December 10, 2008.
17. A letter signed by Alexis Starke, dated December 9, 2008.
18. Submitted at the meeting by the applicant, a revised Subdivision Layout, prepared by Jay Greenwell, PLS.

The Board reviewed the plan.

Public Comments:

Fran Oldenberger: Greenbush Road, Orangeburg, Town of Orangetown Open Space Committee and part of the new Environmental Committee, speaking tonight on behalf of herself, noted that the proposed layout presented at the meeting is superior to the layout requested in the printed application.

Darth Farrell, an abutting property owner, wanted to know if there are going to be any basements on the proposed houses since the area has a high water table. He noted that the site use to be a dump with cars and other types of items buried on the site. He requested that only three house be constructed on the site.

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

December 9, 2009

Kevin Ramsay and Jay Greenwell appeared and testified.

The Board received the following communications:

1. A Project Review Committee Report dated December 2, 2009.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated December 9, 2009.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering, (DEME) Town of Orangetown, signed by Bruce Peters, P.E., dated December 4, 2009.
4. A letter from HDR signed by Harvey Goldberg, P.E., dated November 13, 2009.
5. A letter from the Rockland County Department of Planning, signed by Salvatore Corallo, Commissioner of Planning, dated December 2, 2009.
6. A letter from Rockland County Department of Highways, signed by Joseph Arena, Principal Engineering Technician, dated December 8, 2008.
7. Letters from Rockland County Drainage Agency, signed by Edward Devine, Executive Director, dated November 3, October 29 and April 2, 2008.
8. A letter from the Rockland County Department of Health, signed by Scott McKane, P.E. Senior Public Health Engineer, dated October 29, 2009.
9. Letters from the Village of Piermont, dated November 6 and 7, 2008.
10. Plans prepared by Jay Greenwell, PLS:
 - Sheet 1: Subdivision, dated January 15, 2008 revised September 30, 2009
 - Sheet 2: Grading, Drainage, Utility & Soil Erosion Plan, dated January 15, 2008 revised October 10, 2009
 - Sheet 3: Details, dated October 10, 2008
11. Hydraulic Analysis and Stormwater Design Calculations, prepared by Gdanski Consultants, Inc., dated October 18, 2009.

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12. A letter signed by Jay Greenwell, PLS, dated October 23, 2009.
13. Updated Project Narrative, Subdivision of Property for Ramsay, dated October 14, 2009, prepared by Jay A. Greenwell, PLS, LLC.

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

February 24, 2010

Jay Greenwell appeared and testified for the applicant.

The Board received the following communications:

1. A Project Review Committee Report dated February 3, 2010.
2. Interdepartmental memorandums from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated February 10 & 24, 2010.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering, (DEME) Town of Orangetown, signed by Bruce Peters, P.E., dated February 5, 2010.
4. A letter from HDR signed by Harvey Goldberg, P.E., dated February 5, 2010.
5. A letter from the Rockland County Department of Planning, signed by Salvatore Corallo, Commissioner of Planning, dated January 20, 2010.
6. A letter from Rockland County Department of Highways, signed by Joseph Arena, Principal Engineering Technician, dated December 8, 2009.
7. Letters from Rockland County Drainage Agency, signed by Edward Devine, Executive Director, dated January 15 & 29, 2010, November 3, 2008, October 29, 2008 and April 2, 2008.
8. A letter from the Rockland County Department of Health, signed by Scott McKane, P.E. Senior Public Health Engineer, dated January 11, 2010.
9. A letter from the Village of Piermont, dated February 3, 2010.
10. Plans prepared by Jay Greenwell, PLS: last revised December 23, 2009
 - Sheet 1: Subdivision, dated January 15, 2008
 - Sheet 2: Grading, Drainage, Utility & Soil Erosion Plan, dated January 15, 2008
 - Sheet 3: Details, dated October 10, 2008
11. Hydraulic Analysis and Stormwater Design Calculations, prepared by Gdanski Consultants, Inc., dated October 18, 2009, revised December 28, 2009.
12. An Updated Project Narrative, prepared by Jay A. Greenwell, PLS, LLC, dated December 29, 2009.
13. A Short Environmental Assessment Form, dated December 28, 2009, signed by Jay A. Greenwell, PLS.

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The hearing was then opened to the Public.

Public Comment:

Larry Vail, member of the Town of Orangetown Architecture and Community Appearance Board of Review (ACABOR), noted that tree removal from the site would be subject to further review by ACABOR under the Site Plan Review of each individual lot. Speaking on behalf of the Sparkill Watershed Conservatory, Mr. Vail complimented the Board regarding the placement of protection methods of the watershed and good planning practices.

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

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 Andy Stewart 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 Lead Agency.

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

After having identified the relevant areas of environmental concern, namely drainage, surface water runoff, land clearing, vegetation, fauna, traffic and noise levels, and after having taken a hard look at said environmental issues, and after having deliberated regarding such concerns, and having heard from the applicant, the applicant's professional representatives, namely Jay Greenwell, PLS and the Town of Orangetown's engineering consultant, Henningson, Durham & Richardson (HDR), and having heard from the following offices, officials and/or Departments: (Town of Orangetown): Project Review Committee, Office of Building, Zoning, Planning Administration and Enforcement and Department of Environmental Management and Engineering; and having heard from the following involved and interested agencies:

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Rockland County Department of Planning, Rockland County Department of Highways, Rockland County Drainage Agency, Rockland County Department of Health, Rockland County Sewer District No. 1 and the Village of Piermont and having reviewed a proposed Subdivision plan by prepared by Jay Greenwell, PLS, a summary of the reasons supporting this determination are, and the Planning Board finds that the proposed action:

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

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

A motion was made to reopen the Public Hearing portion of the meeting to discuss the Subdivision Application was made by Bruce Bond and second 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.

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

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

1. The following note shall be placed on the Subdivision Plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a meeting."
2. The following note shall be placed on the Subdivision Plan regarding Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.
3. The Short Environmental Assessment Form for the two lot subdivision appears to be in order.
4. On the Northeast corner of Lot #1, the cluster of Maple trees shall be saved by placing a Contract Limit Line. A Contract Limit Line shall be placed in Lots #1 and #2, at a 25 foot minimum from the rear of the lots.
5. The sight distance for the two new driveways for subdivision Lots #1 and #1 shall be shown on the plan.
6. The revised drainage calculations are currently under review by DEME. The applicant's engineer shall specify whether the Perc Rate given in the supplied drainage calculation (dated – no date) is assumed or based upon a field survey. If the per 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 field Perc Test to 10. DEME and the Building Department.
7. The proposed curbing along William Street shall be Belgium Block along the entire frontage of the subdivision. A detail for same shall be provided with the drawings.

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8. The site is located at the intersection of Sparkill Avenue (a paper street) and William Street in Sparkill. The 1.49 acre site is currently undeveloped except for the remains of an existing home, driveway, patio and garage that are to be removed. The wooded site drains from northwest to southeast toward the Sparkill Creek. The 100-yr flood elevation in the Sparkill Creek is shown as El 28.5.

The Planning Board Drainage Consultant reviewed the plans and found that the Applicant has modified the plan since the previous submittal and now proposes to subdivide the parcel into two lots instead of three lots. Each lot will contain a proposed dwelling and paved driveway. Access to Lots 1 and 2 will be from William Street. On Lot 1, the impervious area will be reduced from 2,224SF to 1,800SF, for a net reduction in impervious area. Lot 2 will have a net increase in impervious area from 637SF to 1,800SF. A drywell gallery is proposed to mitigate the increase in runoff due to the increase in impervious area. The gallery will contain two 6-ft diameter by 3-ft deep drywells in a 10ft by 20ft stone surround. Revised drainage calculations have been provided.

In the Drainage Consultant's previous review letter dated November 13, 2009, the consultant recommended acceptance for drainage subject to several conditions, the following of which have not been satisfied:

- The minimum size for a storm drain shall be 12-in. The storm drain connecting the trench drain to the drywell gallery and the overflow pipe from the gallery shall be revised to 12-in. Pipe sizes and inverts must be revised accordingly on the plans and details.
- The effective depth of the drywell gallery must be used in the drywell calculations, not the overall depth (i.e. the effective depth of the drywell is the depth from the invert of the 12-in outlet pipe to the bottom of the drywell). It will be necessary to increase the depth of the gallery or its length and width.
- Provide a catch basin or manhole instead of a clean-out on the 12-in outlet pipe from the trench drain. Include a detail on the plans.
- Provide an excerpt from the Rockland County Soil Map indicating the type of soil on the site.
- Calculations for sizing the stone apron must be provided.
- A Rockland County Drainage Agency Permit must be obtained.
- Additional conditions may be added based on response to these conditions.

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

As indicated in the November 3, 2009 and January 15, 2010 letters from the Rockland County Drainage Agency, a permit will be required from this agency and a permit application must be submitted.

Pursuant to the Rockland County Stream Control Act, the subdivision map must be reviewed and approved by the Chairman of the Rockland County Drainage Agency before the Rockland County Clerk will accept same for filing.

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

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

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.

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

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

A notes on the plat shall be added that the restrictions applicable to the Conservation Area, including that there shall be no structures or equipment placed in this area

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).

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10. Since the proposed subdivision will have no direct connection to the County Roadway, the proposed project as presented would have no foreseeable adverse impact upon the County Highway System.

11. The Rockland County Department of Health (RCDOH), Environmental Health Program reviewed the subdivision plan and offered the following comments:

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

Standard Details shall reference Town of Orangetown standards, not RCSD #1 standards as shown.

12. The Rockland County Drainage Agency (RCDA) reviewed this proposal and based on the information provided and maps available to the RCDA, the site has been determined to be within the jurisdiction of the RCDA and a permit from the RCDA pursuant to the Rockland County Stream Control Act, Chapter 846, is required. Please be advised that the Rockland County Stream Control Act, Chapter 846, requires that all subdivision maps must be signed by the Chairman of the Rockland County Drainage Agency before the Rockland County Clerk will accept same for filing.

13. The following note must be added to the subdivision mylar prior to review by RCDA: The site is located within the jurisdiction of the Rockland County Drainage Agency pursuant to the Rockland County Stream Control Act, Chapter 846. A valid permit must be obtained from the Rockland County Drainage Agency prior to the commencement of any work within the jurisdiction of the Rockland County Drainage Agency.

14. It appears the site is located with mapped federal wetlands. The RCDA suggests that the U.S. Army Corps of Engineers be contacted and requested to make a jurisdictional determination regarding the proposed activity.

15. The Village of Piermont had the following comments:

No additional, net stormwater runoff enter the wetland areas or the Sparkill creek, during and after construction.

Silt fences and other preventative measures are put in place prior to land disturbances, to prevent silt and construction debris from entering the wetland or the Sparkill creek. These measures shall be sited far enough from the wetland boundary and shall remain in lace until the properties are sufficiently landscaped to prevent silt run-off.

Pervious surfaces be considered for the driveways to prevent oil drippings and other nonpoint source pollution from entering the watershed.

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

17. 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 Highways
- Rockland County Drainage Agency
- Rockland County Health Department
- Village of Piermont
- Town of Orangetown Zoning Board of Appeals
- Rockland County Department of Planning
- Rockland County Sewer District #1

18. Where a reservation of land for recreation purposes has been deemed by the Planning Board to be inadequate, Money in Lieu of Land for recreation purposes must be collected in accordance with Section 21-20 of the Land Development Regulations (\$9,000.00 for every vacant new residential lot). In addition, for every new vacant residential lot, \$80.00 will be collected for the Stream Maintenance Fund.

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

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

21. 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:

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Continuation of Condition #21....

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

Light Impacts Only – Installation of $\frac{3}{4}$ inch of plywood or boards, or equal over the area to be protected.

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

22. 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.

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).

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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 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

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

Override

The Board made a motion to override Condition #10 of the January 20, 2010 letter from Rockland County Department of Planning, signed by Salvatore Corallo, Commissioner of Planning, for the following reasons:

"#10. Notes on the plat shall be added explaining the nature of the drainage easement to be dedicated to the Town of Orangetown of where the easement documents are recorded."

The Board held that a drainage easement was not to be dedicated to the Town of Orangetown and therefore a note did not need to be added to the plan.

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

The foregoing Resolution was made and moved by Kevin Garvey and seconded by Andy Stewart 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 24, 2010
Town of Orangetown Planning Board**

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

**PB #08-66- Town of Orangetown Planning Board Decision
Ramsay Subdivision Plan; Preliminary Approval Subject to Conditions/
Neg. Dec.**

**February 24, 2010
Page 14 of 14**

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: Ramsay Subdivision Plan

SEQR STATUS: Type I _____ Unlisted XXXXXX

CONDITIONED NEGATIVE DECLARATION: Yes _____ No XXXXXX

DESCRIPTION OF ACTION: Subdivision Plan Review

LOCATION: The site is located at 110 Sparkill Avenue, southeast corner of the intersection of Sparkill Avenue and William Street, Sparkill, Town of Orangetown, Rockland County, New York and as shown on the Orangetown Tax Map as Section 77.08, Block 5, Lot 33 in the RG zoning district.

REASONS SUPPORTING THIS DETERMINATION:

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

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

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

For Further Information contact:

John Giardiello, P.E., Director, Office of Building, Zoning and Planning
Administration and Enforcement

Town of Orangetown

20 Greenbush Road

Orangeburg, NY 10962

Telephone Number: 845-359-5100

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

**PB #10-11- TOWN OF ORANGETOWN PLANNING BOARD DECISION;
Walsh Subdivision Plan – Request for the 2nd-Day Extension to file
Subdivision Plat with Rockland County Clerk’s Office, Reapproved
Subdivision Plan**

**February 24, 2010
Page 1 of 1**

TO: Gerald Walsh, 252 Townline Road, West Nyack, New York, 10994
FROM: Orangetown Planning Board
RE: The application of the Gerald and Bonnie Walsh, owners for the 2nd 90 day Extension to File the “**Walsh Subdivision**” with the Rockland County Clerk’s Office, in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown and Chapter 21 of the Code of the Town of Orangetown. The site is located at 252 Townline Road, West Nyack, Town of Orangetown, Rockland County, New York and shown on the Orangetown Tax Map as Section 64.20, Block 1, Lot 3 in the R-40 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, February 24, 2010**, at which time the Board made the following determination:

Gerald Walsh appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated February 17, 2010.
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 24, 2010.
3. An interdepartmental memorandum signed by Bruce Peters, P.E., Department of Environmental Management and Engineering (DEME), Town of Orangetown, dated February 17, 2010.
4. PB #07-38, Final Subdivision Approval Subject to Conditions, dated June 27, 2007, PB #09-19, Reapproval of the Final Subdivision Plan Review, dated April 6, 2009.
5. A letter from Gerald Walsh, dated November 9, 2009.

The Board discussed the 2nd 90 Day Extension to file the subdivision plan.

The hearing was then opened to the Public. There being no one to be heard from the Public, a motion was made to close the Public Hearing portion of the meeting by Kevin Garvey and seconded by John Foody and carried as follows:
Robert Dell, aye; Kevin Garvey, aye; Bruce Bond, aye; Andy Stewart, aye; John Foody, aye; William Young, aye; and Jeffrey Golda, absent.

DECISION: In view of the foregoing, the Board GRANTED a 2nd 90 Day Extension in time to file the Walsh Subdivision with the Rockland County Clerk’s Office.

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

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

Dated: February 24, 2010 Planning Board

