

**TOWN OF ORANGETOWN PLANNING BOARD
MEETING OF FEBRUARY 25, 2009**

MEMBERS PRESENT:

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

MEMBERS ABSENT: Robert Dell, Chairperson

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

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

Continued item from the February 11, 2009 Meeting:

Sickels Farm Subdivision **PB #09-05**
Recommendation to the Town Board to **Postponed by**
Reduce the Amount of the Performance Bond **Applicant**
69.08/1/2; R-40 zoning district

Troop Woods Subdivision **PB #09-06**
Recommendation to the Town Board to **Recommended**
Release the Performance Bond **to Town Board**
70.14/2/47; R-15 zoning district **Subject to Conditions**

Sunset Homes Subdivision Plan **PB #09-08**
Final Subdivision Plan Review **Final Approval**
70.09/2/23; R-15 zoning district **Subject to Conditions**

New Items:

Crestron Electronics Resubdivision Plan **PB #09-10**
Prepreliminary/Preliminary/ **Continued: Needs**
Final Resubdivision Plan and SEQRA Review **Short EAF**
77.05/1/36 & 37; LIO zoning district

Crestron Electronics Site Plan **PB #09-11**
Prepreliminary/Preliminary Site Plan and **Continued: Needs**
Conditional Use Permit Review and SEQRA **Drainage**
77.05/1/36 & 37; LIO zoning district

**TOWN OF ORANGETOWN PLANNING BOARD
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The decisions of the February 11, 2009 Planning Board Meeting was reviewed, edited and approved. The motion for adoption was made and moved by Kevin Garvey and seconded by Jeffrey Golda and carried as follows: Robert Dell, absent; Kevin Garvey, aye; Bruce Bond, aye; Andy Stewart, aye; Jeffrey Golda, aye; 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 and second by Bruce Bond and agreed to by all in attendance. The meeting was adjourned at 10:05 p.m. The next Planning Board meeting is scheduled for March 11, 2009.

**DATED: February 25, 2009
Town of Orangetown Planning Board**

**PB #09-06-TOWN OF ORANGETOWN PLANNING BOARD DECISION;
Troop Woods 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 Troop Woods Subdivision, for the Recommendation to the Town Board to Release the Performance Bond in the amount of \$413,005.25, at a site known as “Troop Woods 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 at 59 Troop Road, Blauvelt, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 70.14, Block 2, Lot 47 in the R-15 zoning district.

Heard by the Planning Board of the Town of Orangetown at meetings held **Wednesday, February 11 and 25, 2009**, at which time the Board made the following determination:

February 11, 2009

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

The Board received the following communications:

1. A 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 signed by James Dean, Superintendent of Highways, dated February 4, 2009.
4. A letter from the Blauvelt Volunteer Fire Company, Inc. signed by Pieter Grosbeck, Chief, dated February 9, 2009.
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.
6. PB #02-27, Recommendation to the Town Board to Establish the Performance Bond, dated February 27, 2002.

The Board discussed the Release of the Performance Bond.

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

**PB #09-06-TOWN OF ORANGETOWN PLANNING BOARD DECISION;
Troop Woods Subdivision Plan– Recommendation to the Town Board to
Release the Performance Bond
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February 25, 2009

The Board received the following communications:

1. A Project Review Committee Report dated February 18, 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 25, 2009.
3. An interdepartmental memorandum signed by dated February 23, 2009, signed by Ronald C. Delo, Director, Department of Environmental Management and Engineering (DEME), and James Dean, Superintendent of Highways, dated February 24, 2009.

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 William Young and carried as follows:

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

RECOMMENDATION: In view of the foregoing, the Board RECOMMENDED to the Town Board to RELEASE the Troop Woods Subdivision – Performance Bond Subject to the Following Condition:

1. The Town Board recently accepted Murphy Court 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 Cleaning/Training Manual. Bruce Peters of the Town of Orangetown Department of Environmental Management and Engineering has indicated that the sum of \$15,800.00 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 \$15,800.00 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 Cleaning/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 John Foody and seconded by Kevin Garvey and carried as follows: Bruce Bond, aye; aye; William Young, aye; John Foody, aye; Jeffrey Golda, aye; Robert Dell, absent; Andy Stewart, aye 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 25, 2009, PLANNING BOARD

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

PB #09-08: TOWN OF ORANGETOWN PLANNING BOARD DECISION

Sunset Homes Subdivision Plan; Final Plan Approval Subject to Conditions

February 25, 2009

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TO: John Atzl; 234 South Main Street, New City, New York 10956
FROM: Orangetown Planning Board
RE: The application of the 45 Sunset Road Corp., owner, for Final Subdivision Plan, for a proposed 2 lot subdivision to be known as “**Sunset Homes Subdivision Plan**”, in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21 of the Code of the Town of Orangetown. The Applicant proposes to subdivide a 1.20-acre parcel on the south side of Sunset Road, west of the intersection with Ellsworth Drive into two lots. Lot #1 contains an existing dwelling and paved driveway with a double access from Sunset Road that will remain. Lot #2 will contain a proposed new dwelling and driveway with access from Sunset Road at the same location as one of the existing access points for Lot #1. The site is located at 45 Sunset Road, Blauvelt, Town of Orangetown, Rockland County, New York and as shown on the Orangetown Tax Map as Section 70.09, Block 2, Lot 23 in the R-15 zoning district.

Heard by the Planning Board of the Town of Orangetown at meetings held **February 11 and 25, 2009**, at which time the Board made the following determinations:

February 11, 2009

John Atzl, Frank Phillips and Shawn Moldow appeared and testified for the applicant.

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 11, 2009.
5. A letter from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated December 18, 2008.
6. A copy of an interdepartmental memorandum from the Office of Parks and Recreation, Town of Orangetown, signed by Richard Rose, Jr., Superintendent, dated November 14, 2008.

PB #09-08: TOWN OF ORANGETOWN PLANNING BOARD DECISION

Sunset Homes Subdivision Plan; Final Plan Approval Subject to Conditions

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7. A letter from the New York State Office of Parks, Recreation and Historic Preservation, signed by Ruth L. Pierpont, Director, dated October 7, 2008.

8. Plans prepared by Atzl, Scatassa & Zigler, last revision date December 3, 2008:

Drawing 1: Subdivision Plat

Drawing 2: Grading Plan

9. Copies of Board Decisions: ACABOR #09-02, Approved Subject to Conditions, dated January 20, 2009; ZBA #08-98, Approved Variances for Street Frontage for Lot #2 and Side Yard and Total Side Yard for Lot #1, dated November 19, 2008 and PB #08-17, Preliminary Subdivision Approval Subject to Conditions, dated October 6, 2008.

The Board reviewed the plans.

Public Comment:

Andrew Wiley, 199 Orangeburg Road, Pearl River, requested that the Board approve the application, since the applicant met all the conditions requested by the all of the Boards.

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

February 25, 2009

John Atzl, Frank Phillips and Shawn Moldow appeared and testified for the applicant.

The Board received the following communications:

1. A Project Review Committee Report dated February 18, 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 25, 2009.

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

PB #09-08: TOWN OF ORANGETOWN PLANNING BOARD DECISION

Sunset Homes Subdivision Plan; Final Plan Approval Subject to Conditions

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

- 1.** The applicant shall comply with all previous Board Decisions: ACABOR #09-02, Approved Subject to Conditions, dated January 20, 2009; ZBA #08-98, Approved Variances for Street Frontage for Lot #2 and Side Yard and Total Side Yard for Lot #1, dated November 19, 2008 and PB #08-17, Preliminary Subdivision Approval Subject to Conditions, dated October 6, 2008.
- 2.** 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."
- 3.** 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.
- 4.** A post construction stormwater 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 list, contract person with telephone number, yearly report to be submitted to DEME, etc.
- 5.** The Applicant proposes to subdivide a 1.20-acre parcel on the south side of Sunset Road, west of the intersection with Ellsworth Drive into two lots. Lot 1 contains an existing dwelling and paved driveway with a double access from Sunset Road that will remain. Lot 2 will contain a proposed new dwelling and driveway with access from Sunset Road at the same location as one of the existing access points for Lot 1. The Applicant proposes to provide an onsite stormwater collection system and a Stormtech Chamber detention system beneath the proposed driveway to mitigate the increase in runoff rate due to the proposed development.

PB #09-08: TOWN OF ORANGETOWN PLANNING BOARD DECISION

Sunset Homes Subdivision Plan; Final Plan Approval Subject to Conditions

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Continuation of Condition #5.....

In the Drainage Consultant's previous review letter dated August 20, 2008, the Consultant recommended acceptance for drainage subject to a number of conditions. The following conditions have not been satisfied:

- The Construction Details for CB-4 (the outlet control structure) must be revised to show the concrete weir wall that divides the chamber into two compartments. The Plan view must show the three pipes that enter the chamber and the outlet pipe as well. The invert elevations of the pipes, including the orifice invert, and the elevations of the weir crest must also be shown.

6. Rockland County Department of Health (RCDOH) provided the following comments:

Existing water main on Sunset Road and the proposed water service are to be shown on the plan.

The proposed stormwater management system will need to be reviewed against Article XIX – Mosquito Control of the Rockland County Sanitary Code. Applicant's Engineer shall contact Brian Hunderfrund of the RCDOH.

7. Based upon the review of the New York State Office of Parks, Recreation and Historic Preservation, it is the opinion that the Sunset Homes Subdivision will have No Effect upon cultural resources in or eligible for inclusion in the National Registers of Historic Places.

8. The Subdivision Plan shall note a 110 foot Conservation Easement in the rear of the lot. The applicant shall provide the legal documents to the Planning Board, which are subject to review and approval in substance and form by the Town of Orangetown Town Attorney's Office and the Department of Environmental Management and Engineering.

9. 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.

10. Prior to signing the Subdivision Map, the applicant shall provide Money in Lieu of Recreational Land, in accordance with Section 21-20 of the Land Development Regulations of the Town of Orangetown; \$9,000.00 for every new residential lot created. The applicant shall also provide money to be placed into the Stream Maintenance Fund, at the amount of \$80.00 for every new residential lot created.

PB #09-08: TOWN OF ORANGETOWN PLANNING BOARD DECISION

Sunset Homes Subdivision Plan; Final Plan Approval Subject to Conditions

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11. The applicant shall comply with all pertinent items in the Guide to the Preparation of Subdivision Plans prior to signing the final plans.
12. All reviews and approvals from various governmental agencies must be obtained prior to stamping of the Subdivision Plan.
13. Tree protection language shall be placed on all subdivision plans, and existing trees shall be located on the map and identified as either remaining or to be removed as a condition of final approval.
14. If applicable, insert clearing limit lines, to delineate those forested area that will remain undisturbed.
15. 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: (1) 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. (2) 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.
16. 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.

PB #09-08: TOWN OF ORANGETOWN PLANNING BOARD DECISION

Sunset Homes Subdivision Plan; Final Plan Approval Subject to Conditions

February 25, 2009

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17. 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.

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

19. 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).

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

21. 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

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

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

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

Dated: February 25, 2009, Planning Board

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