

**MEETING OF FEBRUARY 9, 2011**  
**Town of Orangetown Planning Board**

**MEMBERS PRESENT:**

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

**MEMBERS ABSENT:** None

**ALSO PRESENT:** Bert von Wurmb, 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

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

**New Items:**

<b>Ramsay Subdivision Plan</b> Request for a 2 <sup>nd</sup> 90 day Extension to File the Subdivision Plat with the Rockland County Clerk's Office and a Recommendation to the Town Board to Establish Value and Term of Performance Bond 77.08/5/33; RG zoning district	<b>Granted Extension and Recommended Performance Bond to the Town Board</b>	<b>PB #11-01</b>
<b>Hiep Estates Subdivision</b> Prepreliminary/Preliminary Subdivision Plan and SEQRA Review 77.07/3/9; RG zoning district	<b>Continued</b>	<b>PB #11-03</b>
<b>Blickman Subdivision Plan</b> Request for an Extension of the Term of the Performance Bond 69.19/1/25.1, 25.2 & 25.3; R-40 zoning district	<b>Granted Extension</b>	<b>PB #11-02</b>
<b>St. John's Malankara Church Plan</b> Prepreliminary/Preliminary/ Final Site Plan and SEQRA Review 73.20/1/31; LIO zoning district	<b>Final Site Plan Approval Subject to Conditions Neg. Dec.</b>	<b>PB #11-04</b>
<b>William J. Hayes Jr. Subdivision</b> Final Minor Subdivision Plan Review 70.09/3/41.1 & 33; R-15 zoning district	<b>Final Approval Subject to Conditions</b>	<b>PB #11-05</b>
<b>622 Route 303 Subdivision Plan</b> Final Subdivision Plan Review 65.14/1/11; LI zoning district	<b>Final Approval Subject to Conditions</b>	<b>PB #11-06</b>
<b>622 Route 303 Site Plan</b> Final Site Plan Review 65.14/1/11; LI zoning district	<b>Final Site Plan Approval Subject to Conditions</b>	<b>PB #11-07</b>

**February 9, 2011  
Planning Board Meeting**

**Other Business: Walsh Subdivision Plan** - Section 64.20, Block 1, Lots 3.1, 3.2 and 3.3, R-40 zoning. The site is located at 253 Townline Road, West Nyack, New York.

The Board made a motion to recommend to the Town Board to release William Bosley from the Walsh Subdivision Performance Bond and grant Gerald Walsh the ability to post the Bond entirely in Mr. Walsh's name.

A motion was made and moved by Bruce Bond and seconded by William Young and carried as follows: Kevin Garvey, aye; Bruce Bond, aye; Andy Stewart, aye; John Foody, aye; William Young, aye; Robert Dell, aye and Jeffrey Golda, 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 Bruce Bond and agreed to by all in attendance. The meeting was adjourned at 11:00 p.m. The next Planning Board meeting is scheduled for February 23, 2011.

**DATED: February 9, 2011  
Town of Orangetown Planning Board**

**PB #11-01: Ramsay Subdivision Plan– 2<sup>nd</sup> 90 Day Extension Granted to File the Subdivision Plat and A Recommendation to the Town Board to Establish Value and Term of the Performance Bond**

**Town of Orangetown Planning Board Decision**

**February 9, 2011**

**Page 1 of 2**

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

RE: Ramsay Subdivision: The application of Kevin Ramsay, owner, for a Second 90 Day Extension to File the Subdivision plat with the Rockland County Clerk's Office and a Recommendation to the Town Board to Establish the Value and Term of the Performance Bond 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. 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 a meeting held **Wednesday, February 9, 2011**, at which time the Board made the following determinations:

Jay Greenwell appeared and testified for the applicant.

The Board received the following communications:

1. Project Review Committee Reports dated January 5 & 19, 2011.
2. Interdepartmental memorandums from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated January 12, 2011.
3. Interdepartmental memorandums from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated November 30, 2010 and January 20, 2011.
4. Copy of PB #10-17, Final Site Plan Approval Subject to Conditions, dated April 28, 2010.
5. A letter from Jay Greenwell, PLS, LLC, dated December 15, 2010.

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

**PB #11-01: Ramsay Subdivision Plan– Performance Bond  
Recommendation to the Town Board to Establish Value and Term**

**Town of Orangetown Planning Board Decision**

**February 9, 2011**

**Page 2 of 2**

**DECISION:** In view of the foregoing, the Board GRANTED a 2<sup>nd</sup> 90 Day Extension in time to file the Ramsay Subdivision with the Rockland County Clerk's Office.

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

**RECOMMENDATION:** In view of the foregoing, the Planning Board RECOMMENDS TO THE TOWN OF ORANGETOWN TOWN BOARD that the value of the Performance Bond be established in accordance with the Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated November 30, 2010.

The term of the Performance Bond shall not exceed two (2) years as set forth in Section 21A-10 of the Town of Orangetown Town Code, which shall be on or before February 9, 2013, and Subject to the Following Conditions:

<u>ITEM</u>		<u>COST</u>
Belgian Block Curbing	\$	6,125.00
Driveway Opening (s)		6,280.00
Monuments		1,400.00
Iron Pins		900.00
As-Built Drawings		1,800.00
Soil Erosion and Sediment Control		21,900.00
Sanitary System		4,450.00
	<u>Sub-Total</u>	<u>\$ 42,855.00</u>
Administrative Close-out		
(20% of Sub-Total)	\$	8,571.00
	<b><u>Total Bond</u></b>	<b><u>\$ 51,426.00</u></b>

Inspection Fee (3% of Sub-Total) \$ 1,285.65

To be submitted to DEME prior to the onset of construction.

All Bonds are to conform to current town regulations.

The foregoing Resolution was made and moved by Bruce Bond and seconded by William Young and carried as follows: Kevin Garvey, aye; Bruce Bond, aye; Andy Stewart, aye; John Foody, aye; William Young, aye; Robert Dell, aye; and Jeffrey Golda, 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 9, 2011**

**Town of Orangetown Planning Board**

**PB #11-02: Blickman Subdivision Plan - Request for an Extension of the Term of the Performance Bond - Granted**

**Town of Orangetown Planning Board Decision**

**February 9, 2011**

**Page 1 of 2**

TO: Victoria Blickman Jacqueney, 15 Sickletown Road, Pearl River, New York 1096501

FROM: Town of Orangetown Planning Board

RE: Blickman Plan: The application of Victoria Jacqueney, Trustee, owner, for a Request for a Reduction in the Amount of the Performance Bond and an Extension of the Term of the Performance Bond for the "Blickman Minor 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 15 Sickletown Road, Pearl River, Town of Orangetown, Rockland County, New York. Tax Map Numbers: Section 69.19, Block 1, Lots 25.1, 25.2 & 25.3, R-40 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, February 9, 2011**, at which time the Board made the following determinations:

The Board received the following communications:

1. Project Review Committee Reports dated January 5 & 19, 2011.
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 12, 2011.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated January 6, 2011.
4. Copy of PB #09-56, Extension of Term of Performance Bond and Increase Amount of Bond, October 28, 2009.
5. An E-mail from Victoria Jacqueney, dated December 21, 2010.

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

**PB #11-02: Blickman Subdivision Plan - Request for an Extension of the Term of the Performance Bond - Granted**

**Town of Orangetown Planning Board Decision**

**February 9, 2011**

**Page 2 of 2**

**RECOMMENDATION:** In view of the foregoing, the Planning Board RECOMMENDS AN EXTENSION OF THE TERM OF THE PERFORMANCE BOND.

The term of the Performance Bond shall be in accordance with the Applicant's request of November 28, 2011, in an e-mail dated December 21, 2010.

The foregoing Resolution was made and moved by Bruce Bond and seconded by William Young and carried as follows: Kevin Garvey, aye; Bruce Bond, aye; Andy Stewart, aye; John Foody, aye; William Young, aye; Robert Dell, aye; and Jeffrey Golda, 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 9, 2011**

**Town of Orangetown Planning Board**

**PB #11-04: St. John's Malankara Church Plan – Final Site Plan Approval with Condition, Neg. Dec.**

**Town of Orangetown Planning Board Decision**

**February 9, 2011**

**Page 1 of 8**

TO: Donald Brenner, P.E., LL.B., 4 Independence Avenue, Tappan,  
New York 10983

FROM: Orangetown Planning Board

RE: St. John's Malankara Church Plan: The application of St. John's Malankara Orthodox Church of India, owner, (Donald Brenner, attorney for the applicant) for Prepreliminary/ Preliminary/ Final Site Plan Review, at a site to be known as "St. John's Malankara Church 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. The site is located at 331 Blaisdell Road, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 73.20, Block 1, Lot 31 in the LIO zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, February 9, 2011**, the Board made the following determinations:

Donald Brenner appeared and testified for the applicant.

The Board received the following communications:

1. Project Review Committee Reports dated January 5 & 19, 2011.
2. Interdepartmental memorandums from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated January 12 & 26, 2011.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., January 6, 2011.
4. A letter from Rockland County Department of Planning, Salvatore Corallo, Commissioner of Planning, dated December 2, 2010.
5. A letter from the Rockland County Department of Highways, signed by Sonny Lin, P.E., December 17, 2010.
6. A letter from Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer, dated January 4, 2011.
7. Letters from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated November 23 & July 28, 2010.
8. A letter from the Town of Orangetown Zoning Board of Appeals, signed by William Mowerson, dated November 1, 2010.
9. Interdepartmental memorandums from the Bureau of Fire Prevention, Town of Orangetown, signed by Michael Bettmann, Chief, dated August 5, 2010 and January 19, 2011.
10. A Short Environmental Assessment Form signed by George Varghese, dated November 23, 2010.

**PB #11-04: St. John's Malankara Church Plan – Final Site Plan Approval with Condition, Neg. Dec.**

**Town of Orangetown Planning Board Decision**

**February 9, 2011**

**Page 2 of 8**

11. Plans prepared by Sapra Group, Architects & Planners, dated June 18, 2010, revised June 23, 2010:

- SP-1: Site Plan
- A-1P: First Floor Plan
- A-2P: Basement Floor Plan

12. Site Plan prepared by William D. Youngblood Land Surveying, dated January 6, 2011.

13. Architectural Plans prepared by Larry J. Nardecchia, P.E., last revision date of December 23, 2010:

- A1: First Floor Plan, dated December 2, 2010
- A2: Cellar Floor Plan, dated December 3, 2010
- A3: Elevations, Sections & Details, dated December 3, 2010

14. A copy of ZBA #10-65, Use Variance Approved with Conditions, Neg. Dec, dated October 6, 2010.

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



**PB #11-04: St. John's Malankara Church Plan – Final Site Plan Approval  
with Condition, Neg. Dec.**

**Town of Orangetown Planning Board Decision**

**February 9, 2011**

**Page 3 of 8**

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 Sapra Group, Architects & Planners, William D. Youngblood Land Surveying and Larry J. Nardecchia, P.E., 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: Town of Orangetown Zoning Board of Appeals, Rockland County Department of Health, Rockland County Sewer District No.1 and Rockland County Department of Highways, and having reviewed a proposed Plans by prepared by Sapra Group, Architects & Planners, William D. Youngblood Land Surveying and Larry J. Nardecchia, P.E., 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.

**PB #11-04: St. John's Malankara Church Plan – Final Site Plan Approval with Condition, Neg. Dec.**

**Town of Orangetown Planning Board Decision**

**February 9, 2011**

**Page 4 of 8**

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

**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 following note shall be placed on the 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. This application is for a change of use from a restaurant to a church. The church use received a Zoning Board of Appeals approval on October 6, 2010 as ZBA #10-65. At this time there are no changes to the exterior of the property that would change the site plan.
3. The applicant has revised their submission by adding a proposed entrance at the rear of the building and modification to the parking lot.
4. The conversion plan of the existing restaurant building previously submitted by the architect shows 188 occupants and not the site plan indicates 180 Congregants. Please clarify and revise the plans accordingly.
5. The amended plans need to be reviewed by the Town of Orangetown Architecture and Community Appearance Board of Review.
6. The Change in Use from restaurant to church received a Zoning Board of Appeals approval on October 6, 2010 as ZBA #10-65.
7. The termination of the existing private sanitary pump shall be shown on the site plan.
8. A legend shall be added to the Site Plan.
9. All existing drainage facilities shall be labeled as such.
10. Rockland County Department of Planning had the following comments which are incorporated herein as conditions of approval:  
-A review shall be completed by the Rockland County Highway Department and any required permits obtained.

**PB #11-04: St. John's Malankara Church Plan – Final Site Plan Approval  
with Condition, Neg. Dec.**

**Town of Orangetown Planning Board Decision  
February 9, 2011  
Page 5 of 8**

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

- The bulk table shall be revised to include the applicable zoning district requirements and the existing conditions relative to those requirements.
- The applicant must demonstrate that there will be adequate parking to serve the proposed use and that the right of way of the County Road will not be used for overflow parking. The parking data in the bulk table shall be revised to include parking calculation indicating both the provided and required parking spaces.
- Since the site is located on a County road, either the existing applicable plans must be provided for review or a new plan provided, to allow evaluation of lighting impacts on the county road, signage and landscaping. Low evergreen shrubs shall be provided to block headlights from cars that will be parking in the row of spaces facing the county road.

**11.** Rockland County Department of Highways had the following comments which are incorporated herein as conditions of approval:

- For the vicinity map, the existing road pattern west of Blaisdell Road such as Corporate Drive, etc., shall also be included on the drawing.
- The Bulk Table shall indicate the existing and the proposed condition including set back and parking requirements.
- For the Site Plan shown, Engineer's scale shall be used in lieu of architectural scale indicated. Enhanced details shall be provided to show the edge of pavement, the curb cut and details at the access of the development.
- It is recommended an existing condition drawing be generated separately from the proposed plan for our next review.
- A striping plan that clearly shows all existing verses the proposed within the county roadway shall be included a part of the site plan.

**12.** Rockland County Sewer District 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.

**13.** The Rockland County Department of Health (RCDOH) reviewed the plans and found that application no RCDOH approvals are needed for this application.

**14.** The Town of Orangetown Fire Prevention Bureau had the following comments in regards to the Change of Use from an A-2 to an A-3:

- Maintain the Fire Sprinkler system as per NFPA 25.
- Maintain the Fire Alarm system as per NFPA 72.
- Maintain Emergency Exit lights and lighting as per NEC.
- Maintain Portable Fire Extinguishers as NFPA 10.
- Provide Key for Key Box.
- Repaint No Parking Fire Zone Lanes.
- The plan shows seating for 188 persons and there are not enough parking spaces available.
- No use of assembly in lower level until a plan is approved by the Bureau of Fire Prevention.

**PB #11-04: St. John's Malankara Church Plan – Final Site Plan Approval  
with Condition, Neg. Dec.**

**Town of Orangetown Planning Board Decision  
February 9, 2011  
Page 6 of 8**

**15.** In regards to the Architectural Plans prepared by Larry J. Nardecchia, P.E., last revision date of December 23, 2010, the Town of Orangetown Fire Prevention Bureau had the following additional comments:

- There was a kitchen added in the basement.
- There are 2 new steel I beams being installed where walls are being removed. There shall be some engineering provided for this.
- The rear addition causes changes to the sprinkler system and fire alarm system, which needs to be drawn, stamped and approved by the Orangetown Fire Prevention Bureau before work starts.

**16.** 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
- Town of Orangetown Zoning Board of Appeals
- Rockland County Sewer District #1
- Rockland County Department of Health

**17.** The applicant shall comply with all pertinent 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. 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:

**PB #11-04: St. John's Malankara Church Plan – Final Site Plan Approval  
with Condition, Neg. Dec.**

**Town of Orangetown Planning Board Decision**

**February 9, 2011**

**Page 7 of 8**

**Continuation of Condition #19...**

- 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.

**20.** 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.

**21.** 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.

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

**23.** 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).

**PB #11-04: St. John's Malankara Church Plan – Final Site Plan Approval  
with Condition, Neg. Dec.**

**Town of Orangetown Planning Board Decision**

**February 9, 2011**

**Page 8 of 8**

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

**25.** 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

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

The foregoing Resolution was made and moved by Bruce Bond and seconded by William Young and carried as follows: Kevin Garvey, aye; Bruce Bond, aye; Andy Stewart, aye; William Young, aye; John Foody, aye; Robert Dell, aye and Jeffrey Golda, 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 9, 2011**

**Town of Orangetown Planning Board**

attachment

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

**PB #11-04: St. John's Malankara Church Plan – Final Site Plan Approval  
with Condition, Neg. Dec.**

**Town of Orangetown Planning Board Decision  
February 9, 2011**

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: **St. John's Malankara Church 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 331 Blaisdell Road, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 73.20, Block 1, Lot 31 in the LIO 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, Town Supervisor, Applicant, Involved Agencies

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**PB #11-05: William Hayes Jr. Subdivision Plan; Final Approval Subject to Conditions**

**Town of Orangetown Planning Board Decision**

**February 9, 2011**

**Page 1 of 5**

TO: Donald Brenner, 4 Independence Avenue, Tappan, New York 10983  
FROM: Orangetown Planning Board

RE: William Hayes Jr. Minor Subdivision: The application of William J. Hayes, Jr., owner, (Donald Brenner, Attorney for the applicant) for Final Subdivision Plan Review for a subdivision to be known as "William J. Hayes Jr. 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 the east side of Burrows Lane, 240 feet south of the intersection of Sunset Road, Blauvelt, Town of Orangetown, Rockland County, New York and as shown on the Orangetown Tax Map as Section 70.09, Block 3, Lots 41.1 & 33 in the R-15 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held, **Wednesday, February 9, 2011**, at which time the Board made the following determinations:

Donald Brenner appeared and testified for the applicant.

The Board received the following communications:

1. A Project Review Committee Report dated January 19, 2011.
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 26, 2011.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering, (DEME) Town of Orangetown, signed by Bruce Peters, P.E., dated January 20, 2011.
4. A letter from the Rockland County Department of Planning, signed by Arlene Miller, Deputy Commissioner of Planning, dated January 18, 2011.
5. A letter from Rockland County Department of Highways, signed by Joseph Arena, Principal Engineering Technician, dated December 30, 2010.
6. A letter from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated December 16, 2010.
7. A letter from the Blauvelt Volunteer Fire Company, Inc., signed by David Schnitzer, Chief, dated April 21, 2010, with an attachment.
8. A Subdivision Plan prepared by Robert Sorace, dated December 1, 2010.
9. Submitted at the meeting, a letter from Art Gunther, 30 Burrows Lane, an abutting property owner, undated.



**PB #11-05: William Hayes Jr. Subdivision Plan; Final Approval Subject to Conditions**

**Town of Orangetown Planning Board Decision**

**February 9, 2011**

**Page 2 of 5**

10. A copy of PB #10-14, Preliminary Approval Subject to Conditions, Neg. Dec., dated April 14, 2010.

**The Board reviewed the plan.**

**Public Comment:**

Art Gunther, 30 Burrows Lane, Blauvelt, supported the application to merge the lots, however, raised concerns regarding the impact of the development in the neighborhood. He discussed drainage impact and traffic safety in the area. Mr. Gunther believed that the Town of Orangetown should take on the responsibility of resolving the issues and not the applicant.

Frank DeCicco, 40 Burrows Lane, Blauvelt; raised concerns regarding access to the applicant's property and the relocation of a utility pole.

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

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

1. The following note shall be placed on the Subdivision Plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a meeting".
2. The following note shall be placed on the Subdivision Plan regarding Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.
3. The applicant shall comply with all pertinent and applicable conditions of the previous Board Decision: PB #10-14, Preliminary Approval Subject to Conditions, Neg. Dec., dated April 14, 2010.

**PB #11-05: William Hayes Jr. Subdivision Plan; Final Approval Subject to Conditions**

**Town of Orangetown Planning Board Decision**

**February 9, 2011**

**Page 3 of 5**

**4.** The applicant shall re-appear at the Planning Board upon submission of a Site Plan/Development Plan to the Building Department.

**5.** A Vicinity Map shall be provided that indicates the location of the surrounding tax lots.

**6.** There shall be no access to North Western Highway from the site.

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

- 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.

- 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).

**8.** The Rockland County Department of Highway review the information submitted and found that the proposed lot line change will have no foreseeable adverse impact upon the County Highway System. The applicant shall be aware that any future development on lot 70.09-3-41.1 will require additional review and permit from the Rockland County Department of Highway, in addition to any and all permits required by the Town of Orangetown.

**9.** The Rockland County Department of Health (RCDOH), Environmental Health Program reviewed the subdivision plan and found that no RCDOH approvals are needed for this subdivision.

**10.** Based upon the Rockland County Drainage Agency (RCDA) evaluation of available mapping and 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. 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.

**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 and compliance to all pertinent prior Board Conditions must be obtained prior to stamping of the Subdivision Plan.

**PB #11-05: William Hayes Jr. Subdivision Plan; Final Approval Subject to Conditions**

**Town of Orangetown Planning Board Decision**

**February 9, 2011**

**Page 4 of 5**

**13. TREE PROTECTION:** The following note shall be placed on the subdivision plan:

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

- a. No construction equipment shall be parked under the tree canopy.
- b. There will be no excavation or stockpiling of earth underneath the trees.
- c. Trees designated to be preserved shall be marked conspicuously on all sides at a 5 to 10 foot height.

d. The Tree Protection Zone for trees designated to be preserved will be established by one of the following methods:

- One (1) foot radius from trunk per inch DBH
- Drip line of the Tree Canopy. The method chosen should be based on providing the maximum protection zone possible. A barrier of snow fence or equal is to be placed and maintained one yard beyond the established tree protection zone. If it is agreed that the tree protection zone of a selected tree must be violated, one of the following methods must be employed to mitigate the impact:
  - Light to Heavy Impacts – Minimum of eight inches of wood chips installed in the area to be protected. Chips shall be removed upon completion of work.
  - Light Impacts Only – Installation of  $\frac{3}{4}$  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.

**14.** 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.

**15.** 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.

**PB #11-05: William Hayes Jr. Subdivision Plan; Final Approval Subject to Conditions**

**Town of Orangetown Planning Board Decision**

**February 9, 2011**

**Page 5 of 5**

16. The contractor's trailer, if any is proposed, shall be located as approved by the Planning Board.
17. 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).
18. Permanent vegetation cover of disturbed areas shall be established on the site within thirty (30) days of the completion of construction.
19. 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
20. The Planning Board shall retain jurisdiction over lighting, landscaping, signs and refuse control.

The foregoing Resolution was made and moved by Bruce Bond and seconded by William Young and carried as follows: Bruce Bond, aye; Kevin Garvey, aye; Andy Stewart, aye; William Young, aye; John Foody, aye; Robert Dell, aye and Jeffrey Golda, 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 9, 2011**

**Town of Orangetown Planning Board**

**PB #11-06: #622 Route 303 Subdivision Plan – Final Subdivision Plan  
Approval Subject to Conditions**

**Town of Orangetown Planning Board Decision**

**February 9, 2011**

**Page 1 of 11**

TO: Steven Grogg, P.E., McLaren Engineering Group, 100 Snake Hill Road,  
West Nyack, New York 10994

FROM: Orangetown Planning Board

RE: 622 Route 303 Subdivision Plan: The application of SunCap Properties, LLC, applicant, for Joseph Appleman, owner, (Montalbano, Condon & Frank, attorneys for the applicant) for Final Subdivision Plan Review, at a site to be known as "622 Route 303 Subdivision Plan", in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21 of the Code of the Town of Orangetown. The site is located at 622 Route 303, Blauvelt, Town of Orangetown, Rockland County, New York, and as on the Orangetown Tax Map as Section 65.14, Block 1, Lot 11 in the LI zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held, **Wednesday, February 9, 2011**, at which time the Board made the following determinations:

The Board received the following communications:

1. A Project Review Committee Report dated January 19, 2011.
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 26, 2011.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering, (DEME) Town of Orangetown, signed by Bruce Peters, P.E., dated January 20, 2011.
4. A letter from HDR, signed by Michael Murphy, P.E., dated January 18, 2011.
5. A letter from the Rockland County Department of Planning, signed by Arlene Miller, Deputy Commissioner of Planning, dated January 24, 2011.
6. A letter from the Rockland County Drainage Agency, signed by Shajan Thottakara, P.E., dated January 21, 2011.
7. A letter from the Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer II, dated January 11, 2011.
8. Subdivision Plan prepared by McLaren Engineering Group; Drawing No: S-1, dated June 21, 2010, December 17, 2010.

**PB #11-06: #622 Route 303 Subdivision Plan – Final Subdivision Plan Approval Subject to Conditions**

**Town of Orangetown Planning Board Decision**

**February 9, 2011**

**Page 2 of 11**

9. A letter from McLaren Engineering Group, signed by Steven Grogg, P.E., Vice President, Site/Civil Division, dated December 21, 2010.
10. A letter from John Collins, Ph.D., P.E., dated October 28, 2010.
11. A Response Letter to the Conditions of Preliminary Approval prepared by McLaren Engineering Group, dated December 21, 2010.
12. . Submitted by abutting property owner, Kimbel Parker: A letter from P.W. Scott Engineering and Architecture, P.C., signed by Peder Scott, PE, RA, President.
13. Copies of the following Board Decisions: ACABOR #10-47, Approved Subdivision Plan with Conditions, dated December 2, 2010, ACABOR #10-48, Approved Site/Structure Plans – Lot #1, dated December 2, 2010, ZBA #10-90, Approved Street Frontage Variance for Lot 1 and Lot 2, dated December 1, 2010, ZBA #10-91, Performance Standards, dated December 1, 2010, PB #10-36, Preliminary Subdivision Plan Approval Subject to Conditions, Neg. Dec. dated October 13, 2010 and PB #10-37, Preliminary Site Plan Approval Subject to Conditions, Neg. Dec., dated October 13, 2010.

The Board reviewed the plan.  
The hearing was then opened to the Public.

**Public Comments:**

Kimball Parker, 37 Cortwood Village, Orangeburg, an abutting property owner, read from his submitted a letter from P.W. Scott Engineering and Architecture, P.C. He discussed the past history of traffic in the area of the project site onto Route 303 and placement of a traffic light by New York State Department of Transportation. Mr. Parker discussed emergency access to the site and environmental issues noted in the letter from Scott Engineering and Architecture, P.C. He stated that he would bring an Article 78 against the Town of Orangetown if the issues he raised are not satisfactorily answered.

Raul Cardanus, 66 Pine Tree Lane, Tappan, discussed the destruction of wetlands over the years due to development in the area of the project.

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

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

**PB #11-06: #622 Route 303 Subdivision Plan – Final Subdivision Plan  
Approval Subject to Conditions**

**Town of Orangetown Planning Board Decision  
February 9, 2011  
Page 3 of 11**

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 applicant shall comply with all pertinent and applicable condition of previous Board conditions: ACABOR #10-47, Approved Subdivision Plan with Conditions, dated December 2, 2010, ACABOR #10-48, Approved Site/Structure Plans – Lot #1, dated December 2, 2010, ZBA #10-90, Approved Street Frontage Variance for Lot 1 and Lot 2, dated December 1, 2010, ZBA #10-91, Performance Standards, dated December 1, 2010, PB #10-36, Preliminary Subdivision Plan Approval Subject to Conditions, Neg. Dec. dated October 13, 2010 and PB #10-37, Preliminary Site Plan Approval Subject to Conditions, Neg. Dec., dated October 13, 2010.
4. The sanitary calculations provided to DEME are acceptable
5. A Performance Bond will be required for this Subdivision, the value to be established in a separate letter.
6. All of DEME’s previous comments/ recommendations have been addressed/ satisfied.
7. The proposed 20 foot wide sanitary sewer easement shall be provided to DEME and the Town Attorney’s office for review and approval.
8. The Applicant proposes to subdivide a 43.11 acre parcel into three lots. The site is located on the west side of NYS Route 303 approximately 1000 feet north of Corporate Drive in Blauvelt. Typically, the subdivision of land in itself has no impact on drainage. It is only the development of land that affects drainage. Accordingly, the Planning Board’s Drainage Consultant recommends acceptance for drainage only for the subdivision of this lot into three parcels.

**PB #11-06: #622 Route 303 Subdivision Plan – Final Subdivision Plan  
Approval Subject to Conditions**

**Town of Orangetown Planning Board Decision  
February 9, 2011  
Page 4 of 11**

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

- The concerns expressed in the October 6, 2010 letter from the New York State Department of Transportation shall be addressed and all required permits obtained.
- As required by the Rockland County Stream Control Act, the Rockland County Drainage Agency, 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.
- There shall be no net increase in stormwater runoff from the site.
- The Existing 50 Wide Private Easement shall be described on the plat with regard to who the easement is from and to, what it is for, and where the document establishing the easement is recorded.
- The applicant shall be responsible for dedicating sufficient frontage to allow for future construction of the Route 303 median as part of the implementation of the Route 303 Sustainable Development Study.
- The applicant shall be responsible for providing a sidewalk along the frontage of Route 303, as well as a bus pull-off area.
- A pedestrian crossing shall be included with the planned intersection improvements at State Route 303. This condition is subject to New York State Department of Transportation requirement and approval.
- The developer shall provide a pad for bus shelter on Route 303 and apply for the associated permit from NYSDOT. The developer shall contact the Rockland County Public Transportation Department to review the proposed site for the shelter. The Rockland County Public Transportation Department will install the bus shelter structure.
- Notes shall be placed on the plat and deeds explaining who will have maintenance responsibilities for the improvements in the access and utility easement from Lot 1 to Route 303.
- 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.

**10.** Based upon Rockland County Drainage Agency (RCDA) evaluation of available mapping and 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 the Rockland County Stream Control Act, Chapter 846, is not requested based upon its review of the information provided. However, the RCDA has specific concerns with respect to the potential environmental impacts concerning the Hackensack River and affected floodplains. In that regard, as an interested and involved agency pursuant to SEQRA, the RCDA has reviewed the materials submitted and offer the following comments:



**PB #11-06: #622 Route 303 Subdivision Plan – Final Subdivision Plan  
Approval Subject to Conditions**

**Town of Orangetown Planning Board Decision  
February 9, 2011  
Page 5 of 11**

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

- 1) In accordance with Page 6-20 of the New York State Stormwater Management Design Manual (NYSSMDM), a two (2) feet minimum separation distance is required from the bottom of the pond to the water table for ponds receiving runoff from a hotspot. The Grading Plan, Drawing No. C-201, indicates that the proposed pond bottom is approximately 10-feet from the existing grade, adjacent to an NYSDEC wetlands, and runoff from stormwater hotspot areas, such as fleet storage area and fueling station, is to be conveyed into the proposed detention pond. The applicant must demonstrate that the bottom of the proposed pond has a minimum of two (2) feet separation from the groundwater.
- 2) In accordance with section 4.11 of the NYSSMDM, stormwater runoff from hotspots cannot be allowed to infiltrate untreated into groundwater, where it may contaminate water supplies. Contrary to this, the project drawings indicate that the stormwater runoff from the hotspot areas is to be conveyed into the proposed detention pond without any pre-treatment and the proposed pond design does not indicate any provision to prevent stormwater runoff from infiltrating into the groundwater. The applicant shall review and revise the pond design as necessary to prevent stormwater runoff from hotspot areas that has not been pre-treated from infiltration into the groundwater.
- 3) In accordance with section 6.1.6 of the NYSSMDM, maintenance access shall be at least 12 feet wide, have a maximum slope of no more than 15%, and be appropriately stabilized to withstand maintenance equipment and vehicles. Also, the maintenance access shall extend to the forebay, safety bench, riser, and outlet and be designed to allow vehicles to turn around. Contrary to this, the proposed design does not show a maintenance access road to the proposed outlet structure. A stabilized maintenance access road that extends to the outlet structure with provisions that allow vehicles to turn around shall be provided.
- 4) In accordance with section 6.1.5 of the NYSSMDM, the perimeter of all deep pool areas (four feet or greater in depth) shall be surrounded by a safety bench that generally extends 15 feet outward from the normal water edge to the toe of the pond side slope, except when pond side slopes are 4:1 (h:v) or flatter. Contrary to this, the Basin Cross Sections, Drawing No. C-706, indicate that proposed basin side slope is 3:1 and it does not show a safety bench. Review and revise the design as necessary to address these requirements.

**PB #11-06: #622 Route 303 Subdivision Plan – Final Subdivision Plan  
Approval Subject to Conditions**

**Town of Orangetown Planning Board Decision  
February 9, 2011  
Page 6 of 11**

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

- 5) In accordance with section 6.1.6 of the NYSSMDM, each pond shall have a drain pipe that can completely or partially drain the pond. The drain pipe shall have an elbow or protected intake within the pond to prevent sediment deposition, and a diameter capable of draining the pond within 24 hours. In addition, both the WQv-ED outlet and the pond drain shall be equipped with an adjustable gate valve and it shall be located inside of the riser at a point where they (a) will not normally be inundated and (b) can be operated in a safe manner. Contrary to these, the proposed pond does not appear to have a pond drain. Review and revise the design to provide a pond drain and an adjustable gate valve as necessary to address these requirements.
  - 6) In accordance with section 6.1.5 of the NYSSMD, Woody vegetation may not be planted or allowed to grow within 15 feet of the toe of the embankment and 25 feet from the principal spillway structure. Contrary to this, the Planting Plan No L-03, indicates that three (3) trees are to be planted at the toe of the proposed stormwater pond. Review and revise the Planting Plan as necessary to address this requirement.
  - 7) In accordance with section 6.1.6 of the NYSSMD, sediment removed from stormwater ponds shall be disposed of according to an approved comprehensive operation and maintenance plan. Sediment testing may be required prior to sediment disposal when a hotspot land use is present. The Stormwater Pollution Prevention Plan (SWPPP) indicates three (3) stormwater hotspots within the proposed project area, a fueling station and a maintenance building. However, the SWPPP does not have the required operation and maintenance plan that includes requirements for sediment testing and disposal. Review and revise the SWPPP as necessary.
- 11.** 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.
- 12.** The applicant shall comply with all pertinent items in the Guide to the Preparation of Subdivision Plans prior to signing the final plans.
- 13.** All reviews and approvals from various governmental agencies must be obtained prior to stamping of the Subdivision Plan.

**PB #11-06: #622 Route 303 Subdivision Plan – Final Subdivision Plan  
Approval Subject to Conditions**

**Town of Orangetown Planning Board Decision  
February 9, 2011  
Page 7 of 11**

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

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

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

One (1) foot radius from trunk per inch DBH

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

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

Light Impacts Only – Installation of ¾ inch of plywood or boards, or equal over the area to be protected.

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

**15.** 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 #11-06: #622 Route 303 Subdivision Plan – Final Subdivision Plan  
Approval Subject to Conditions**

**Town of Orangetown Planning Board Decision  
February 9, 2011  
Page 8 of 11**

**16.** 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.

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

**18.** 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).

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

**20.** 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

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

**Override**

The Board made a motion to override Conditions #2, #3, #4 & #8 of the January 24, 2011 letter from Rockland County Department of Planning, signed by Arlene Miller, Deputy Commissioner of Planning, for the following reasons:

**PB #11-06: #622 Route 303 Subdivision Plan – Final Subdivision Plan  
Approval Subject to Conditions**

**Town of Orangetown Planning Board Decision  
February 9, 2011  
Page 9 of 11**

**#2.** The Town of Clarkstown is one of the reasons this proposal was referred to this department (Rockland County Department of Planning) for review. The municipal boundary of the Town of Clarkstown lies north of the northern boundary of the subject property, varying in distance from the subject 43.82 acre property from approximately 250 feet at the northwest corner of the property to approximately 750 feet at the northeast corner of the property. The New York State General Municipal Law states that the purposes of Section 239-1, 239-m and 239-n of the law shall be to bring pertinent intercommunity and countywide planning, zoning, site plan and subdivision considerations to the attention of neighboring municipalities and agencies having jurisdiction. Such review may include inter-community and county –wide considerations in respect to the compatibility of various land uses with one another; traffic generating characteristics of various land uses in relation to the effect of such traffic on other land uses and to the adequacy of existing and proposed thoroughfare facilities; and the protection of community character as regards predominate land uses, population density, and the relation between residential and nonresidential area. In addition, Section 239-nn was recently enacted to encourage the coordination of land use development and regulation among adjacent municipalities, so that, as a result, development occurs in a manner that is supportive of the goals and objections of the general area. The Rockland County Department of Planning received a copy of the Clarkstown Planning Board's October 5, 2010 letter to the Town of Orangetown that requests that the traffic study be extended to include traffic analysis up Route 303 to the Palisades Center Mall. Since the Town of Clarkstown is one of the reasons this proposal was referred to this department for review, this concern and any other concerns related to the proposal and its impact on community character, traffic, water quantity and quality, drainage, stormwater runoff and sanitary sewer service must be considered and addressed.

The Board held that the applicant's traffic consultant, Mr. Collins's letter dated October 28, 2010, provided the needed information to clarify the traffic analysis, taking into account the Palisades Center Mall.

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

**PB #11-06: #622 Route 303 Subdivision Plan – Final Subdivision Plan  
Approval Subject to Conditions**

**Town of Orangetown Planning Board Decision  
February 9, 2011  
Page 10 of 11**

**#3.** With regard to the 6.01 acre wetland on site, a review shall be completed by the U.S. Army Corps of Engineers and all required permits obtained.

The Board held that the condition relates to the Site Plan, not the subdivision plan review

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

**#4.** A review shall be completed by the New York State Department of Environmental Conservation and all required permits obtained.

The Board held that the condition relates to the Site Plan, not the subdivision plan review

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

**#8.** In reviewing the proposed site plan, it appears that a second access point could be provided at the northeastern portion of the property, where there is a private easement. If this additional access point provides better circulation to and from the subdivision lots, this option shall be considered. If the Town decides to make this an additional access point to the subdivision, appropriate note shall be included on the plat and, if appropriate, in the deeds.

The Board held that based on the New York State Department of Transportation request for a new traffic light, the project did not require an additional access.

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

**PB #11-06: #622 Route 303 Subdivision Plan – Final Subdivision Plan  
Approval Subject to Conditions**

**Town of Orangetown Planning Board Decision  
February 9, 2011  
Page 11 of 11**

The foregoing Resolution was made and moved by Bruce Bond and seconded by William Young and carried as follows: Kevin Garvey, aye; Bruce Bond, aye; Andy Stewart, aye; William Young, aye; John Foody, aye; Robert Dell, aye; and Jeffrey Golda, 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 9, 2011  
Town of Orangetown Planning Board**

**PB #11-07: #622 Route 303 Site Plan – Final Site Plan Approval Subject to Conditions**

**Town of Orangetown Planning Board Decision**

**February 9, 2011**

**Page 1 of 17**

TO: Steven Grogg, P.E., McLaren Engineering Group, 100 Snake Hill Road,  
West Nyack, New York 10994

FROM: Orangetown Planning Board

RE: 622 Route 303 Site Plan: The application of SunCap Properties, LLC, applicant, for Joseph Appleman, owner, (Montalbano, Condon & Frank, attorneys for the applicant) for Final Site Plan Review, at a site to be known as “622 Route 303 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 622 Route 303, Blauvelt, Town of Orangetown, Rockland County, New York, and as on the Orangetown Tax Map as Section 65.14, Block 1, Lot 11 in the LI zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held, **Wednesday, February 9, 2011** at which time the Board made the following determinations:

The Board received the following communications:

1. A Project Review Committee Report dated January 19, 2011.
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 26, 2011.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering, (DEME) Town of Orangetown, signed by Bruce Peters, P.E., dated January 20, 2011.
4. A copy of an e-mail from Michael Murphy, HDR dated January 20, 2011.
5. A letter from HDR, signed by Michael Murphy, P.E., dated January 18, 2011.
6. A letter from the Rockland County Department of Planning, signed by Arlene Miller, Deputy Commissioner of Planning, dated January 24, 2011.
7. A letter from Rockland County Department of Highways, signed by Joseph Arena, Principal Engineering Technician, dated January 13, 2011.
8. A letter from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated December 29, 2010.
9. A letter from the Rockland County Drainage Agency, signed by Shajan Thottakara, P.E., dated January 21, 2011.
10. A letter from the Rockland County Sewer District #1, signed by Joseph LaFiandra, Engineer II, dated January 11, 2011.
11. A letter from the New York State Department of Transportation, signed by Terence Donoghue, P.E., dated January 25, 2011.



**PB #11-07: #622 Route 303 Site Plan – Final Site Plan Approval Subject to Conditions**

**Town of Orangetown Planning Board Decision**

**February 9, 2011**

**Page 2 of 17**

12. A Memorandum from Parish & Weiner Inc., dated January 26, 2011.
13. A letter from McLaren Engineering Group, signed by Steven Grogg, P.E., Vice President, Site/Civil Division, dated December 21, 2010.
14. A Response Letter to the Conditions of Preliminary Approval prepared by McLaren Engineering Group, dated December 21, 2010.
15. SunCap Properties New York Route 303 Traffic Study Response to Comments dated October 8, 2010, prepared by Eng-Wong, Taub and Associates, dated December 14, 2010.
16. A letter from John Collins, Ph.D., P.E., dated October 28, 2010.
17. Stormwater Pollution Prevention Plan, prepared by McLaren Engineering Group, dated December 2010.
18. Site Plans prepared by McLaren Engineering Group, dated June 21, 2010, last revised December 17, 2010, unless noted:
  - C-001: Cover Sheet
  - C-002: Existing Conditions
  - C-100: Overall Site Plan
  - C-101: Site Plan
  - C-102: Site Plan
  - C- 201: Grading Plan
  - C- 202: Grading Plan
  - C- 301: Utility Plan
  - C- 302: Utility Plan
  - C- 401: Soil Erosion and Sediment Control Plan
  - C- 402: Soil Erosion and Sediment Control Plan
  - C-451: NYSDEC Wetland Delineation Map
  - C-452: NYSDEC Wetland Impact and Mitigation Map
  - C-453: Mitigation Area Map
  - C- 501: Details
  - C- 502: Details
  - C- 503: Details
  - C- 504: Details
  - C- 505: Details
  - C-601: Lighting Plan
  - C-602: Lighting Plan
  - C-701: Roadway Profile
  - C-702: Storm Profile, dated December 15, 2010
  - C-703: Storm Profile, dated December 15, 2010
  - C-704: Sanitary Profile, dated December 15, 2010

**PB #11-07: #622 Route 303 Site Plan – Final Site Plan Approval Subject to Conditions**

**Town of Orangetown Planning Board Decision**

**February 9, 2011**

**Page 3 of 17**

**18. Plans continued...**

Site Plans prepared by McLaren Engineering Group, dated June 21, 2010, last revised December 17, 2010, unless noted:

C-705: Sanitary Profile, dated December 15, 2010

C-706: Basin Cross Sections, dated December 15, 2010

C-801: Proposed Route 303 Left – Turn Lane, dated August 26, 2010

C-802: Proposed Route 303 Left – Turn Lane, dated August 26, 2010

C-803: Proposed Route 303 Left – Turn Lane, dated August 26, 2010

19. Plans prepared by McLaren Engineering Group and Blair Hines Design Associates Landscape Architects, dated October 22, 2010, last revised December 17, 2010, unless noted:

L- 01: Sheet Key & Planting List/Notes

L- 02: Planting Plan

L- 03: Planting Plan

L- 04: Details

20. Architectural Plans prepared by Ware Malcomb, dated December 20, 2010:

A-1: Floor Plan

A-2: Elevations

21. Copies of the following Board Decisions: ACABOR #10-47, Approved Subdivision Plan with Conditions, dated December 2, 2010, ACABOR #10-48, Approved Site/Structure Plans – Lot #1, dated December 2, 2010, ZBA #10-90, Approved Street Frontage Variance for Lot 1 and Lot 2, dated December 1, 2010, ZBA #10-91, Performance Standards, dated December 1, 2010, PB #10-36, Preliminary Subdivision Plan Approval Subject to Conditions, Neg. Dec., dated October 13, 2010 and PB #10-37, Preliminary Site Plan Approval Subject to Conditions, Neg. Dec., dated October 13, 2010.

22. Submitted by abutting property owner, Kimbel Parker: A letter from P.W. Scott Engineering and Architecture, P.C., signed by Peder Scott, PE, RA, President.

The Board reviewed the plan.

The hearing was then opened to the Public.

**PB #11-07: #622 Route 303 Site Plan – Final Site Plan Approval Subject to Conditions**

**Town of Orangetown Planning Board Decision**

**February 9, 2011**

**Page 4 of 17**

**Public Comments:**

Kimball Parker, 37 Cortwood Village, Orangeburg, an abutting property owner, read from his submitted letter from P.W. Scott Engineering and Architecture, P.C. He discussed the past history of traffic in the area of the project site onto Route 303 and proposed placement of a traffic light by New York State Department of Transportation. Mr. Parker discussed emergency access to the site and environmental issues noted in the letter from Scott Engineering and Architecture, P.C. He stated that he would bring an Article 78 against the Town of Orangetown if the issues he raised are not satisfactorily answered.

Raul Cardanus, 66 Pine Tree Lane, Tappan, discussed the destruction of wetlands over the years due to development in the area of the project.

A motion was made to close the Public Hearing portion of the meeting by Bruce Bond and second by John Foody and carried as follows: Kevin Garvey, aye; Bruce Bond, aye; Andy Stewart, aye; William Young, aye; Robert Dell, aye; John Foody, aye and Jeffrey Golda, 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 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 applicant shall comply with all pertinent and applicable condition of previous Board conditions: ACABOR #10-47, Approved Subdivision Plan with Conditions, dated December 2, 2010, ACABOR #10-48, Approved Site/Structure Plans – Lot #1, dated December 2, 2010, ZBA #10-90, Approved Street Frontage Variance for Lot 1 and Lot 2, dated December 1, 2010, ZBA #10-91, Performance Standards, dated December 1, 2010, PB #10-36, Preliminary Subdivision Plan Approval Subject to Conditions, Neg. Dec. dated October 13, 2010 and PB #10-37, Preliminary Site Plan Approval Subject to Conditions, Neg. Dec., dated October 13, 2010.

**PB #11-07: #622 Route 303 Site Plan – Final Site Plan Approval Subject to Conditions**

**Town of Orangetown Planning Board Decision**

**February 9, 2011**

**Page 5 of 17**

4. The Planning Boards grants a 5 year period for Phase II. No Building Permit shall be issued for Phase II of the proposed development after 5 years from the date of filing the Site Plan. After that date, the applicant would need to appear in front of the Planning Board for review and approval of Phase II development.
5. The applicant shall obtain any New York State Department of Transportation permits prior to the Town of Orangetown Building Department granting a Certificate of Occupancy.
6. The sanitary calculations provided, dated January 11, 2011, are acceptable to DEME.
7. The SWPPP is under review by DEME.
8. The soil erosion and sediment control plans and details, last updated December 17, 2010, are acceptable to DEME.
9. The manhole detail, Sheet C-502) shall reflect a Campbell Foundry model #1012b frame cover with cover detail.
10. 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. 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.
11. The Planning Board's Drainage Consultant has reviewed the subject Subdivision Plan and Site Plan with respect to drainage. Their letter to the Planning Board dated October 11, 2010 recommended acceptance for drainage subject to conditions. However, based on the Applicant's submittal of December 21, 2010, the Applicant has not sufficiently addressed all of their concerns regarding the drainage, and as such, several items still need to be addressed before the consultant can recommend acceptance without conditions.

The format of this letter has been altered from previous reviews. All of the comments to date have been placed in tables, with items that still need to be addressed by the Applicant indicated as "Incomplete".

**SITE PLAN (Lot 1):**

The Applicant proposes to construct a FedEx warehouse facility on Lot 1 of the new three lot subdivision which is the subject of this application (Lots 2 and 3 are not included under this Site Plan review). The facility will include a 220,998SF building for office and warehouse, 61 loading docks, 418 parking spaces, a vehicle maintenance building, a fuel station and associated paved driveways. Access to the site will be from NYS Route 303. The Impervious area of the site, and therefore stormwater runoff will be increased. To offset the increased runoff the Applicant proposes to install stormwater collection, water quality treatment and detention facilities. A Stormwater Pollution Prevention Plan (SWPPP), including drainage calculations dated December 2010 has been provided. The Applicant has indicated that they have prepared the plans and drainage calculations as a redevelopment project, and have modified the standard NYSDEC stormwater requirements accordingly.

**PB #11-07: #622 Route 303 Site Plan – Final Site Plan Approval Subject to Conditions**

**Town of Orangetown Planning Board Decision**

**February 9, 2011**

**Page 6 of 17**

On December 14, 2010, the Drainage Consultant and the Applicants Engineer, Brian Spray of McLaren Engineering Group met regarding the status of the project and the anticipated submittal, which is the focus of this review.

Upon reviewing the materials submitted the Board's Drainage Consultant had the following sets of comments which are arranged in three (3) tables. Each table contains four columns, identifying the comment number, original date of comment, the comment itself and the current status of the comment (whether they have been answered or if it is still outstanding). The tables are organized in the following manner:

- Table 1 addresses comments raised in the HDR Letter of July 26, 2010,
- Table 2 addresses comments raised in the HDR Letter of October 11, 2010, and
- Table 3 lists new comments based on our current review of the new materials submitted.

**Table 1: Comments from HDR review letter dated July 26, 2010**

<b>No.</b>	<b>Date</b>	<b>Comment</b>	<b>Status</b>
1	7/26/10	The calculations indicate that the required 100-yr design storm capacity of the detention facilities are 2.9 acre-ft and 0.9 acre-ft for systems P3 and P4A respectively. However, they do not include a calculation for sizing each system. The Applicant shall provide a calculation for sizing each detention system.	<b>Complete 01/18/11</b>  See SWPPP Appendix E
2	7/26/10	Provide a large scale plan for each proposed StormTrap detention system. Each plan shall show the number of rows and the number of chambers in each row. The plan shall also show the inlet pipe and structure and the outlet pipe and structure including all dimensions and elevations. Provide cross-sections of each proposed detention basin in two directions, longitudinal and transverse. The sections should be drawn to scale and should include the inlet and/or outlet pipes and structures.	<b>Complete 01/18/11</b>  Cross –sectional views (longitudinal and transverse) of the detention basin have been provided in the plan set.
3	7/26/10	Submit a complete current StormTrap design manual.	<b>Complete 01/18/11</b> Overcome by events.
4	7/26/10	One Continuous Deflection Separation (CDS) unit is located on the inlet to a detention system, one is located on the outlet from a detention system and one is located on a storm sewer without a detention system. Provide a narrative on how the CDS unit locations have been selected. The details for the CDS units are shown on Sheet C-505. These details are standard Vortech details. The site specific tables included on the drawing should be completed for each unit. Submit a complete current Vortech CDS design manual.	<b>Incomplete.</b> The Applicant should provide site specific table on Sheet C-505 for each of the proposed units which describe the features (inverts, rim, etc.) of each unit.

No.	Date	Comment	Status
5	7/26/10	Provide construction details for all headwalls including plan and sections drawn to scale. The details must show pipe sizes, invert elevations, top and bottom elevations, lengths, widths, etc. Since the headwalls are located on sloping topography, an appropriate scaled grading plan must be provided for each headwall. The stone aprons at each headwall should also be shown on these plans. Provide calculations for sizing each stone discharge apron.	<b>Incomplete</b> The Applicant should provide additional information for the headwall details. The height of the headwalls, length, material, and specifics on the footings for the headwalls. Additionally, the stone apron sizing calculations have not been provided.
6	7/26/10	The minimum recommended size for storm sewers is 15-in. The plans and calculations shall be revised to increase the size of the 12-in storm sewers to 15-in.	<b>Complete 01/18/11</b> No storm sewer pipe is smaller than 15”.
7	7/26/10	Provide plans, details and calculations for the proposed storm sewers along the entrance road, and for the proposed existing culvert cleaning/ replacement/ reconstruction (Sheet C-302)	<b>Incomplete.</b> While Appendix F contains the calculations, they do not include CB’s that start with the letters C and D which are along the entrance road. These should be included. Additionally, the Applicant should provide details that show how the inlet and outlet of the culverts going under the access road are to be constructed.
8	7/26/10	The plans indicate that catch basins will have an 18-in deep sump. We recommend that a 24-in deep sump be provided instead.	<b>Complete 01/18/11</b> All CB’s now have a 24” sump.
9	7/26/10	Provide a detail of CB-A2 drawn to scale on Sheet C-502. The detail shall include plan and sections and shall show the correct orientation of all five pipes to ensure that the structure is large enough to accept all pipes.	<b>Complete 01/18/11</b> Overcome by events.
10	7/26/10	Maintenance responsibility for the storm water management facilities shall be vested with a responsible authority by means of a legally binding and enforceable maintenance agreement that is executed as a condition of plan approval. The maintenance requirements for the storm water management facilities must be added to the Soil Erosion & Sediment Control Detail Sheet C-401.	<b>Pending</b> Sheet C-401 shows maintenance responsibility note #17.  The <b>Town Attorney</b> should determine if a more formal binding agreement is required.  Additionally, the Applicant should add the text contained within Section 6.0 of the SWPPP to the plan notes.
11	7/26/10	The Applicant must provide a Mosquito Breeding Prevention Plan and obtain approval of same from the Rockland County Department of health.	<b>Incomplete</b> The Applicant should provide a copy of this, if completed.

No.	Date	Comment	Status
12	7/26/10	The site is adjacent to a small stream that is tributary to the Hackensack River and may or may not be in the jurisdiction of the Rockland County Drainage Agency (RCDA). The Applicant shall contact the RCDA and obtain a determination of jurisdiction letter. If necessary, the Applicant shall also obtain a RCDA permit for the proposed project.	<b>Incomplete</b> The Applicant should provide a copy of the letter stating that the site is outside of RCDA jurisdiction.
13	7/26/10	The capacity of the outfall sewer from each detention system shall be conservatively sized for the peak 100-yr inflow rate into the respective system.	<b>Complete 01/18/11</b> Detention basins are sized to pass the 100-year storm.
14	7/26/10	Provide profiles on the plans, to horizontal and vertical scale, for all storm drains. Show the hydraulic grade line for each length of pipe and the 100-yr water levels at each structure. Show all utility crossings to avoid conflicts during construction.	<b>Incomplete.</b> While Appendix F contains profiles with the HGL, they do not include CB's that start with the letters C and D. These should be included.
15	7/26/10	The 30-in storm sewer on the north side of the proposed building is 740-ft long, and does not have intermediate catch basins or manholes. Access CB's or MH's should be provided at the roof leader connection points and at such locations to keep the maximum length of pipe sections to 300-ft or less.	<b>Complete 01/18/11</b> Overcome by events.

**Table 2:** Comments from HDR review letter dated October 11, 2010. All of the comments in this table were not sufficiently addressed in the Applicant's December 21, 2010 letter. The Applicant should respond to each comment, with specific reference to how and where each comment has been addressed. As such, all of the comments below are currently "Incomplete".

No.	Date	Comment	Status
1	10/11/10	Increase the capacity of the detention storage facilities to accommodate 100% of the required water quality volume.	<b>Incomplete.</b>
2	10/11/10	Provide a pervious bottom to the detention storage facilities to permit infiltration of the water quality volume.	<b>Incomplete.</b>
3	10/11/10	Revise the outlet control structures for the detention storage facilities.	<b>Incomplete.</b>
4	10/11/10	Resize and relocate the pretreatment facilities (CDS Units) to locations upstream from the detention storage facilities.	<b>Incomplete.</b>

**Table 3:** This table contains new comments, based on the Applicant's most recent submittal and cover letter dated December 21, 2010.

No.	Date	Comment	Status
1	01/18/11	The P-1 detention basin (underground storage) does not appear to have any connectivity between the four pipes. While one of the pipes has two inlet points, two others have one inlet point, and one of the pipes appears to have nothing directly inletting to it.  The Applicant should revise the layout of this system to ensure that each of the four pipes will receive an equal amount of the flow, and thus behave as described in the SWPPP calculations	<b>Incomplete.</b>
2	01/18/11	The Applicant should provide a detail that more clearly shows how each end of the P-1 detention basin will be constructed.	<b>Incomplete.</b>

No.	Date	Comment	Status
3	01/18/11	Each 48" pipe in the P-1 detention basin is 650-feet in length, and does not have intermediate catch basins, manholes or inspection ports shown. Access CB's, MH's or inspection ports should be provided to keep the maximum length of uninterrupted pipe sections to 300-ft or less.	<b>Incomplete.</b>
4	01/18/11	Maintenance notes for the CDS should be added to the detail.	<b>Incomplete.</b>
5	01/18/11	The Utility Plans should make specific reference to the location of specific structures or items which have corresponding details (i.e. CDS units, headwalls, catch basins, underground storage units, outlet structures, etc.)	<b>Incomplete.</b>
6	01/18/11	Provide a pipe trench detail specific to HDPE pipe. The pipe backfill detail on Sheet C-502 appears to be for sewer piping. HDPE piping requires a very specific backfill material and procedure and much of the strength of the pipe comes from the backfill itself.	<b>Incomplete.</b>

**Summary:** In addition to addressing the comments contained within this letter, there are several other action items that need to be carried out by the Applicant before receiving recommendation for approval without conditions. These items are as follows:

1. The Town Attorney should review the stormwater maintenance agreement to ensure that a more formal written agreement is not needed.
2. The Applicant should provide a copy of their approval from the Rockland County Department of Health regarding the Mosquito Breeding Prevention Plan.
3. The Applicant shall provide HDR with a copy of the correspondence from the RCDA regarding determination of jurisdiction.

**Conclusion:** With the applicants next submission a written response letter addressing each of the above comments should be provided. The Applicant's response letter should provide an itemized explanation of how the plans have been revised or modified in order to address these items with specific references to the changes in the plans. In the event that the Applicant should disagree with a comment and choose not to modify the plan, an explanation should be provided.

The above comments represent our professional opinion and judgment and do not in all cases reflect the opinion of the Planning Board.



**PB #11-07: #622 Route 303 Site Plan – Final Site Plan Approval Subject to Conditions**

**Town of Orangetown Planning Board Decision**

**February 9, 2011**

**Page 10 of 17**

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

- The concerns expressed in the October 6, 2010 letter from the New York State Department of Transportation shall be addressed and all required permits obtained.
- The Town shall be assured that the traffic study and any proposed improvements demonstrate consistency with the Route 303 Overlay Zone and the concerns of the Route 303 Sustainable Development Study.
- The applicant shall be responsible for dedicating sufficient frontage to allow for future construction of the Route 303 median as part of the implementation of the Route 303 Sustainable Development Study.
- A pedestrian crossing shall be included with the planned intersection improvements at State Route 303. This condition is subject to New York State Department of Transportation requirement and approval.
- With regard to the 6.01 are wetland on site, a review shall be completed by the U.S. Army Corps of Engineers and all required permits obtained.
- A review shall be completed by the New York State Department of Environmental Conservation and all required permits obtained.
- There shall be no net increase in stormwater runoff from the site.
- A signage plan must be submitted and shall meet all Town and New York State Department of Transportation requirements.
- 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.
- The applicant shall be responsible for providing a sidewalk along the frontage of Route 303, as well as a bus pull-off area.
- The developer shall provide a pad for bus shelter on Route 303 and apply for the associated permit from NYSDOT. The developer shall contact the Rockland County Public Transportation Department to review the proposed site for the shelter. The Rockland County Public Transportation Department will install the bus shelter structure.
- With regard to the access and utility easement that will be used for an access road to Route 303, notes must be placed on the Site Plan explaining who will have maintenance responsibilities for the improvement in the easement.

**PB #11-07: #622 Route 303 Site Plan – Final Site Plan Approval Subject to Conditions**

**Town of Orangetown Planning Board Decision**

**February 9, 2011**

**Page 11 of 17**

**Continuation of Condition #12....**

- 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.

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

- 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.

**13.** The Rockland County Department of Highways found that the proposed project as submitted should have a de minimus impact to County Roads in the area.

**14.** 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.

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

- Formal application is to be made for a sanitary sewer extension. Plans are to include sanitary sewer profiles. Applicants Engineer shall contact the Scott McKane, P.E., Senior Public Health Engineer, for submission requirements.

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

- Separate application is to be made to the RCDOH for review of the stormwater management system for compliance with the Rockland County Mosquito Code.

**16.** Based upon Rockland County Drainage Agency (RCDA) evaluation of available mapping and 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 the Rockland County Stream Control Act, Chapter 846, is not requested based upon its review of the information provided. However, the RCDA has specific concerns with respect to the potential environmental impacts concerning the Hackensack River and affected floodplains. In that regard, as an interested and involved agency pursuant to SEQRA, the RCDA has reviewed the materials submitted and offer the following comments:

**PB #11-07: #622 Route 303 Site Plan – Final Site Plan Approval Subject to Conditions**

**Town of Orangetown Planning Board Decision**

**February 9, 2011**

**Page 12 of 17**

**Continuation of Condition #16...**

- 1) In accordance with Page 6-20 of the New York State Stormwater Management Design Manual (NYSSMDM), a two (2) feet minimum separation distance is required from the bottom of the pond to the water table for ponds receiving runoff from a hotspot. The Grading Plan, Drawing No. C-201, indicates that the proposed pond bottom is approximately 10-feet from the existing grade, adjacent to an NYSDEC wetlands, and runoff from stormwater hotspot areas, such as fleet storage area and fueling station, is to be conveyed into the proposed detention pond. The applicant must demonstrate that the bottom of the proposed pond has a minimum of two (2) feet separation from the groundwater.
- 2) In accordance with section 4.11 of the NYSSMDM, stormwater runoff from hotspots cannot be allowed to infiltrate untreated into groundwater, where it may contaminate water supplies. Contrary to this, the project drawings indicate that the stormwater runoff from the hotspot areas is to be conveyed into the proposed detention pond without any pre-treatment and the proposed pond design does not indicate any provision to prevent stormwater runoff from infiltrating into the groundwater. The applicant shall review and revise the pond design as necessary to prevent stormwater runoff from hotspot areas that has not been pre-treated from infiltration into the groundwater.
- 3) In accordance with section 6.1.6 of the NYSSMDM, maintenance access shall be at least 12 feet wide, have a maximum slope of no more than 15%, and be appropriately stabilized to withstand maintenance equipment and vehicles. Also, the maintenance access shall extend to the forebay, safety bench, riser, and outlet and be designed to allow vehicles to turn around. Contrary to this, the proposed design does not show a maintenance access road to the proposed outlet structure. A stabilized maintenance access road that extends to the outlet structure with provisions that allow vehicles to turn around shall be provided.
- 4) In accordance with section 6.1.5 of the NYSSMDM, the perimeter of all deep pool areas (four feet or greater in depth) shall be surrounded by a safety bench that generally extends 15 feet outward from the normal water edge to the toe of the pond side slope, except when pond side slopes are 4:1 (h:v) or flatter. Contrary to this, the Basin Cross Sections, Drawing No. C-706, indicate that proposed basin side slope is 3:1 and it does not show a safety bench. Review and revise the design as necessary to address these requirements.

**PB #11-07: #622 Route 303 Site Plan – Final Site Plan Approval Subject to Conditions**

**Town of Orangetown Planning Board Decision**

**February 9, 2011**

**Page 13 of 17**

**Continuation of Condition #16...**

- 5) In accordance with section 6.1.6 of the NYSSMDM, each pond shall have a drain pipe that can completely or partially drain the pond. The drain pipe shall have an elbow or protected intake within the pond to prevent sediment deposition, and a diameter capable of draining the pond within 24 hours. In addition, both the WQv-ED outlet and the pond drain shall be equipped with an adjustable gate valve and it shall be located inside of the riser at a point where they (a) will not normally be inundated and (b) can be operated in a safe manner. Contrary to these, the proposed pond does not appear to have a pond drain. Review and revise the design to provide a pond drain and an adjustable gate valve as necessary to address these requirements.
  - 6) In accordance with section 6.1.5 of the NYSSMD, Woody vegetation may not be planted or allowed to grow within 15 feet of the toe of the embankment and 25 feet from the principal spillway structure. Contrary to this, the Planting Plan No L-03, indicates that three (3) trees are to be planted at the toe of the proposed stormwater pond. Review and revise the Planting Plan as necessary to address this requirement.
  - 7) In accordance with section 6.1.6 of the NYSSMD, sediment removed from stormwater ponds shall be disposed of according to an approved comprehensive operation and maintenance plan. Sediment testing may be required prior to sediment disposal when a hotspot land use is present. The Stormwater Pollution Prevention Plan (SWPPP) indicates three (3) stormwater hotspots within the proposed project area, a fueling station and a maintenance building. However, the SWPPP does not have the required operation and maintenance plan that includes requirements for sediment testing and disposal. Review and revise the SWPPP as necessary.
- 17.** The New York State Department of Transportation (NYSDOT) is in receipt of the permit plans for the proposed access to Route 303 incorporating a northbound left-turn lane. These plans are currently being reviewed. This left-turn land and signal have been conceptually approved by NYSDOT.
- 18.** The applicant shall comply with all pertinent items in the Guide to the Preparation of Site Plans prior to signing the final plans.
- 19.** All reviews and approvals from various governmental agencies must be obtained prior to stamping of the Site Plan.

**PB #11-07: #622 Route 303 Site Plan – Final Site Plan Approval Subject to Conditions**

**Town of Orangetown Planning Board Decision**

**February 9, 2011**

**Page 14 of 17**

**20. 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  $\frac{3}{4}$  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.

**21.** 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.

**PB #11-07: #622 Route 303 Site Plan – Final Site Plan Approval Subject to Conditions**

**Town of Orangetown Planning Board Decision**

**February 9, 2011**

**Page 15 of 17**

**22.** 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.

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

**24.** 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).

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

**26.** 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

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

**Override**

The Board made a motion to override Conditions #2 and #4 of the January 24, 2011 letter from Rockland County Department of Planning, signed by Arlene Miller, Deputy Commissioner of Planning, for the following reasons:

**PB #11-07: #622 Route 303 Site Plan – Final Site Plan Approval Subject to Conditions**

**Town of Orangetown Planning Board Decision**

**February 9, 2011**

**Page 16 of 17**

**#2.** The Town of Clarkstown is one of the reasons this proposal was referred to this department (Rockland County Department of Planning) for review. The municipal boundary of the Town of Clarkstown lies north of the northern boundary of the subject property, varying in distance from the subject 43.82 acre property from approximately 250 feet at the northwest corner of the property to approximately 750 feet at the northeast corner of the property. The New York State General Municipal Law states that the purposes of Section 239-1, 239-m and 239-n of the law shall be to bring pertinent intercommunity and countywide planning, zoning, site plan and subdivision considerations to the attention of neighboring municipalities and agencies having jurisdiction. Such review may include inter-community and county –wide considerations in respect to the compatibility of various land uses with one another; traffic generating characteristics of various land uses in relation to the effect of such traffic on other land uses and to the adequacy of existing and proposed thoroughfare facilities; and the protection of community character as regards predominate land uses, population density, and the relation between residential and nonresidential area. In addition, Section 239-nn was recently enacted to encourage the coordination of land use development and regulation among adjacent municipalities, so that, as a result, development occurs in a manner that is supportive of the goals and objections of the general area. The Rockland County Department of Planning received a copy of the Clarkstown Planning Board's October 5, 2010 letter to the Town of Orangetown that requests that the traffic study be extended to include traffic analysis up Route 303 to the Palisades Center Mall. Since the Town of Clarkstown is one of the reasons this proposal was referred to this department for review, this concern and any other concerns related to the proposal and its impact on community character, traffic, water quantity and quality, drainage, stormwater runoff and sanitary sewer service must be considered and addressed.

The Board held that the applicant's traffic consultant, Mr. Collins's letter dated October 28, 2010, provided the needed information to clarify the traffic analysis, taking into account the Palisades Center Mall.

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

**PB #11-07: #622 Route 303 Site Plan – Final Site Plan Approval Subject to Conditions**

**Town of Orangetown Planning Board Decision**

**February 9, 2011**

**Page 17 of 17**

**#4.** In reviewing the proposed site plan, it appears that a second access point could be provided at the northeastern portion of the property. If this additional access point provides better circulation to and from the site, this option shall be considered.

The Board held that based on the New York State Department of Transportation request for a new traffic light, the project did not require an additional access.

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

The foregoing Resolution was made and moved by Bruce Bond and seconded by John Foody and carried as follows: Kevin Garvey, aye; Bruce Bond, aye; Andy Stewart, aye; William Young, aye; John Foody, aye; Robert Dell, aye and Jeffrey Golda, 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 9, 2011**

**Town of Orangetown Planning Board**