

**TOWN OF ORANGETOWN PLANNING BOARD  
MEETING OF FEBRUARY 13, 2008**

**MEMBERS PRESENT:**

Robert Dell, Chairperson,,Bruce Bond, Vice-Chairperson, Kevin Garvey,  
Anthony Iurica, John Foody, Jeffrey Golda and William Young

**MEMBERS ABSENT:** None

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

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

**Postponed from October 24, 2007 Meeting:**

**Sickletown Woods Subdivision Plan**

Road Dedication/Water Detention  
Pond Plan Review  
69.08/1/1; R-40 zone

**Postponed**

**to 2/27/08 Meeting**

**PB #07-63**

**Continued from November 28, 2007 Meeting:**

**Interdenominational Christian Fellowship of U.S. Plans**

Prepreliminary/Preliminary Site Plan/  
Change of Use and SEQRA Review  
77.10/3/57; R-15 zone

**Preliminary Site Plan  
Approval Subject to  
Conditions/Neg. Dec.**

**PB #07-67**

**Boyle Minor Subdivision**

(Terrace Drive Subdivision)  
Reapproval of Final Subdivision Plan and  
Establish Value of Performance Bond  
70.14/1/24; R-15 zone

**Reapproved and  
Recommend Term and  
Value to Town Board**

**PB #08-08**

**Hillside Commercial Park Subd. Plan**

Prepreliminary/Preliminary/Final  
Subdivision Plan and SEQRA Review  
68.16/1/1 and 68.11/3/39 & 40; LI zone

**Final Approval  
Subject to Conditions  
Neg. Dec.**

**PB #07-44**

**Hillside Commercial Park Site Plan**

Prepreliminary/Preliminary Site Plan  
and SEQRA Review  
68.16/1/1 and 68.11/3/39 & 40; LI zone

**Preliminary Site Plan  
Approval Subject to  
Conditions/Neg. Dec.**

**PB #07-45**

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**TOWN OF ORANGETOWN PLANNING BOARD**  
**MEETING OF FEBRUARY 13, 2008**

<b>Driscoll Subdivision Plan (PB #04-128 Two Yr Term)</b>	<b>PB #08-09</b>
Extension of Performance Bond Term	<b>Recommended to</b>
68.12/2/5.1 & 5.2; RG zone	<b>Town Board to Call Bond</b>

<b>Hoffman Subdivision Plan (PB #04-78 Two Yr Term)</b>	<b>PB #08-010</b>
Extension of Performance Bond Term	<b>Granted 6 Month</b>
69.05/4/60; R-15 zone	<b>Extension</b>

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 Anthony Iurica, seconded by Kevin Garvey and agreed to by all in attendance. The meeting was adjourned at 9:50 P.M.

The next Planning Board meeting is scheduled for February 27, 2008.

**DATED: February 13, 2008**  
Planning Board Town of Orangetown

**TOWN OF ORANGETOWN  
PLANNING BOARD DECISION**

**Interdenominational Christian Fellowship  
of U.S. Plans  
Site Plan and Change of Use  
Preliminary Plan Approval  
Subject to Conditions/Neg. Dec.**

**PB #07-67  
February 13, 2008  
Page 1 of 11**

TO: Brian Aitchison  
DCAK Architecture  
10 South Broadway  
Nyack, NY 10960

FROM: Orangetown Planning Board

RE: The application of the DCAK Architecture, applicant, for Joseph Kucangara, owner for Prepreliminary/Preliminary Site Plan and Change of Use at a site to be known as "**Interdenominational Christian Fellowship of U.S. Site Plan and Change of Use 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 23 Stephens Road, Tappan, Town of Orangetown, Rockland County, New York and as shown on the Orangetown Tax Map as Section 77.10, Block 3, Lot 57 in the R-15 zoning district.

Heard by the Planning Board of the Town of Orangetown at meetings held **November 28, 2007** and **February 13, 2008**, at which time the Board made the following determinations:

**November 28, 2007**

Brian Aitchison, Brother Dr. Mathews Vergis and Donald Brenner appeared and testified.

The Board received the following communications:

1. A Project Review Memo dated November 21, 2007.
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 November 28, 2007.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering, (DEME) Town of Orangetown, signed by Bruce Peters, P.E., dated November 26, 2007.
4. A letter from HDR/LMS, signed by Harvey Goldberg, P.E., dated November 5, 2007.

5. Letters from the Rockland County Department of Planning, signed by Eileen Miller, dated November 19, 2007 and Salvatore Corallo, Commissioner of Planning, dated November 20, 2007.
6. A letter from Rockland County Department of Highways, signed by Sonny Lin, P.E., dated November 13, 2007.
7. A letter from Rockland County Drainage Agency, signed by Edward Devine, Executive Director, dated October 24, 2007.
8. A letter from Rockland County Sewer District #1, signed by Joseph LaFiandra, Engineer II, dated November 16, 2007.
9. Letters from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated October 26, 2007.
10. A letter from the Town of Orangetown Zoning Board of Appeals, signed by William Mowerson, dated October 23, 2007.
11. A letter signed by Michael Bettmann, Chief, Bureau of Fire Prevention, Town of Orangetown, dated October 29, 2007.
12. A Short Environmental Assessment Form signed by Brian Aitchison, dated October 17, 2007.
13. Site Plans prepared by DCAK Architecture, dated September 10, 2007, revised October 15, 2007:
  - C-100: Site Plan
  - C-101: Landscape and Site Details

The Board reviewed the plans.

**Public Comments:**

Raymond Icabelli, 10 Wenwood Lane, representing his daughter who resides at 21 Stephens Lane, raised concerns regarding vehicular parking on Stephens Lane. The roadway is narrow, 12 feet wide, and parking is currently a problem. Mr. Icabelli held that the proposed use of the site would create a parking problem on the street. He supports the use of the site as a church, it is better than a commercial use, however, possibly the placement of a stop sign could be installed as a means of traffic control.

Don Dennahy, 63 Snedens Road, an abutting property owner, expressed concerns regarding traffic control on Snedens and Stephens Roads. He raised concerns regarding the closest fire hydrants and impact to development of the site.

Ted Baker, 11 Stephens Road, held that the use of the site was an improvement over the use of the existing use. Mr. Baker discussed the physical improvements of the site and raised concerns regarding parking in the neighborhood.

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

**February 13, 2008**

Brian Aitchison, Brother Dr. Mathews Vergis and Donald Brenner appeared and testified.

The Board received the following communications:

1. A Project Review Memo dated February 6, 2008.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated February 13, 2008.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering, (DEME) Town of Orangetown, signed by Bruce Peters, P.E., dated February 6, 2008.
4. A letter from HDR/LMS, signed by Harvey Goldberg, P.E., dated January 18, 2008.
5. A letter from the Rockland County Department of Planning, signed by Salvatore Corallo, Commissioner of Planning, dated February 7, 2008.
6. Site Plans prepared by DCAK Architecture, dated September 10, 2007, revised January 6, 2008:
  - C-100: Site Plan
  - C-101: Landscape and Site Details
7. Traffic Study prepared by Harry Baker & Associates, dated December 20, 2007.
8. A letter signed by Brian Aitchison, R.A., Associate Principal DCAK Architecture, dated January 6, 2008.

The Board reviewed the Plans.

**Public Comments:**

Raymond Icabelli, 10 Wenwood Lane, representing his daughter who resides at 21 Stephens Lane, stated that he read the traffic study and discussed the parking situation along Stephens Way and Road. He held that the site is too small for the intended use and needs a number of variances. Mr. Icabelli held that the neighborhood could not absorb the increased traffic produced from the proposed use for the site. Mr. Icabelli requested that the applicant provide a Full Environmental Impact Statement and that the Board hire a Traffic Engineer to study the site.

Ted Baker, 11 Stephens Road, requested information regarding the design of the structure and type of electronics to be used for the bell in the steeple. Mr. Baker discussed Fire Codes and occupancy of the structure.

Virginia Chin, an abutting property owner, raised concerns regarding the traffic impact of the additional usage of cars on local roadways.

Greg Gibney, 26 Stephens Road, expressed concerns regarding traffic to the area.

Maria Kuddy, 34 Stephens Road, discussed the increase in noise levels to the neighborhood due to additional traffic to the area from the new use of the structure.

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

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

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

It will not have a significant impact upon the environment and a DEIS will not be prepared because the proposed action does not significantly affect air quality, surface or ground water quality, noise levels, drainage or existing traffic patterns.

In addition, it will have no impact upon the aesthetics, agricultural or cultural resources of the neighborhood and no vegetation, fauna or wildlife species will be affected as a result of the proposed action. The proposed action is consistent with the Town's Master Plan and will not have any adverse economic or social impacts upon the Town of Orangetown.

On motion by Kevin Garvey and seconded by Bruce Bond and carried as follows: Bruce Bond, aye; Anthony Iurica, aye; Robert Dell, aye; John Foody, aye; William Young, nay; Jeffrey Golda, aye and Kevin Garvey, aye the Board made a Negative Declaration.

**DECISION: In view of the foregoing and the testimony before the Board, the application was GRANTED A PRELIMINARY SITE PLAN AND CHANGE OF USE 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. A church or similar place of worship is a use permitted by right, However, it is a change of use and requires a Variance from the Town of Orangetown Zoning Board of Appeals.
- 4. The following variances need to be sought from the Town of Orangetown Zoning Board of Appeals:

<b>Variance</b>	<b>Required/Allowed</b>	<b>Existing</b>	<b>Proposed</b>
Maximum Floor Area Ratio	0.20 allowed	0.33	0.28
Minimum Side Yard	20 ft	3 ft	
Minimum Rear Yard	35 ft	34 ft, 4 inches	

Minimum Front Yard required is 30 feet and 11 feet, 1 inch is provided.

Maximum Height allowed is 12"/ foot from the property line and 56"/ foot from the property line is existing or the maximum building height allowed is 3 feet and 14 feet is the existing height (based on the existing side yard of three feet).

**The Rockland County Department of Planning requests the opportunity to review any variances that may be requested in order to implement the proposed site plan and change of use, as required by the New York State General Municipal Law, Section 239-m (3)(a)(v).**

- 5. Changes to the exterior of the building, including lighting and landscaping requires review and approval by the Town of Orangetown Architecture and Community Appearance Board of Review.
- 6. The Short Environmental Assessment, Item #8, needs to be answered "No" and "Zoning Board of Appeals" added to the description.
- 7. The existing sanitary sewer building connection shall be shown on the plans.
- 8. Iron pins shall be drawn and labeled at each property corner.
- 9. All existing easements shall be shown on the plan, including page and liber or instrument number, and ownership, if applicable.
- 10. The Drainage Consultant to the Planning Board recommends acceptance for drainage subject to the following conditions: The site is located on the easterly side of Stephens Road south of its intersection with Old Tappan Road. The 0.46acre site is bounded on the east by the West Shore Railroad. The Applicant proposes to change the use of the site from manufacturing to a church. A small part of the existing building will be demolished and replaced with additional paving for parking purposes. Note 1 on the Site Plan (Dwg C-100) says that the impervious area of the site will not be increased. In the Drainage Consultant's previous review letter dated November 5, 2007, the consultant recommended acceptance for drainage subject to the condition that a grading plan showing existing and proposed conditions be provided. A grading plan indicating no changes between existing and proposed conditions has been provided, therefore the Drainage Consultant to the Planning Board recommends acceptance for drainage without conditions.



**11. The Rockland County Department of Planning requests the opportunity to review any variances that may be requested in order to implement the proposed site plan and change of use, as required by the New York State General Municipal Law, Section 239-m (3)(a)(v).**

**12.** With regards to the **Change in Use**, the Rockland County Department of Planning requests that the applicant address the concerns of the Rockland County Department of Highway letter comments in the November 13, 2007 letter and all required permits obtained.

**13.** The concerns expressed in the November 13, 2007 letter from the Rockland County Department of Highway letter shall be addressed and all required permits obtained with regard to the **Site Plan**.

**14.** There shall be no net increase in storm water runoff from the site.

**15.** If 1,000 square feet or more of land will be disturbed, prior to the start of construction or grading, a soil and erosion control plan shall be developed and in place for the entire site that meets the New York State Guidelines for Urban Erosion and Sediment Control.

**16.** The Fire zones must be clearly marked on the Site Plan. Access to the fire zones shall be unimpeded by other parking areas and maneuverability on the site feasible.

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

**18.** The Rockland County Department of Highways is concerned with any possible negative effects that may be created due to the possibility of increased traffic that may result from this change of use. A traffic study shall be prepared to determine what impact if any the proposed change in use may have upon the intersections of Old Tappan Road and Stephens Road, Old Tappan Road and Western Highway, and Old Tappan Road and Main Street as well as the adjacent properties. The study shall include a discussion regarding time and frequency that vehicles are anticipated to utilize the site, any proposed off hours events, types of vehicles including any busses that may enter and exit the site on a regular basis, and whether any catering events will be held on site.

**19.** The Site Plan shall include a Grading Plan and Storm Water Drainage Patterns for additional Review and approval by the Rockland County Department of Highways.

**20.** A Rockland County Highway Department Work Permit will be required for the development of this parcel within 500 feet of the County right of way and shall be secured prior to the start of any excavation or construction on site.

**21.** Based upon the Rockland County Drainage Agency's (RCDA) evaluation of available mapping and the information submitted, it has been determined that the proposed activity is outside the jurisdiction of the RCDA. Therefore, a permit from the RCDA pursuant to Chapter 846, Rockland County Stream Control Act, is not requested based upon its review of the information provided. The review and approvals concerning drainage and stormwater management conditions in this matter appear to be within the jurisdiction of the appropriate Town of Orangetown land use board(s) and municipal departments.

**22.** The Town of Orangetown Bureau of Fire Prevention had the following conditions:

Install an NFPA 13 compliant Sprinkler system inspected annually in accordance with NFPA 25

Install an NFPA 72 Compliant Alarm system with 2 dedicated phone lines (POTS) with a direct connection with Rockland County 44- Control that will transmit in Contact ID Format. Inspected quarterly with a copy of the inspection sent to the Bureau of Fire Prevention.

Install amber and red exterior strobes as required by the Bureau of Fire Prevention.

Install sign FDC (Fire Department Connection) over fire department connection. Size to be determined by the Bureau of Fire Prevention.

Apply for and maintain Certificate of Compliance Fire Safety with the Bureau of Fire Prevention.

Show No Parking/Fire Zones on Final Approved Site Plan, including all signage.

Install and maintain portable fire extinguishers as required by NFPA 10.

**23.** Rockland County Department of Health approval is not needed for this project.

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

**25.** The Planning board recommends that that Town of Orangetown Superintendent of Highways or the Town Attorney review the restriction of vehicular parking on Stephens Lane, on the west side of the Roadway.

**26.** The following agencies do not object to the Town of Orangetown Planning Board assuming responsibilities of lead agency for SEQRA purposes:

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

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

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

29. TREE PROTECTION: The following note shall be placed on the site plan: The Tree Protection and Preservation Guidelines adopted

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

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

One (1) foot radius from trunk per inch DBH

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

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

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

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

30. 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.
31. 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.
32. The contractor's trailer, if any is proposed, shall be located as approved by the Planning Board.
33. 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).
34. Permanent vegetation cover of disturbed areas shall be established on the site within thirty (30) days of the completion of construction.
35. 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
36. The Planning Board shall retain jurisdiction over lighting, landscaping, signs and refuse control.

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

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

**Dated: February 13, 2008**



## PLANNING BOARD DECISION AND RECOMMENDATION

**Boyle Subdivision  
Recommendation to the  
Town Board of the Value and Term  
of a Performance Bond  
And Reapproval of Final Subdivision Plan**

**PB #08-08  
February 13, 2008  
Track # (08-02-70:14:1:24)  
Page 1 of 2**

TO: Donald Brenner  
4 Independence Avenue  
Tappan, NY 10983

FROM: Orangetown Planning Board

RE: The application of Margaret Lane Boyle and Daniel Boyle, owners, for a Recommendation to the Town of Orangetown Town Board for the Value and Term of the Performance Bond and Reapproval of Final Subdivision Plan for the "Boyle Subdivision Plan" with the Rockland County Clerk's Office, in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown and Chapter 21 of the Code of the Town of Orangetown. The site is located at Terrace Lane, Blauvelt, Town of Orangetown, Rockland County, New York and shown on the Orangetown Tax Map as Section 70.14 Block 1, Lot 24 in the R-15 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held Wednesday, February 13, 2008, at which time the Board made the following determination:

Donald Brenner and Margaret Boyle appeared and testified.

The Board received the following communications:

1. PRC Report dated February 6, 2008.
2. An interdepartmental memorandum signed by John Giardiello, P.E., Director of the Office of Building, Zoning and Planning Administration and Enforcement, Town of Orangetown, dated February 13, 2008.
3. An interdepartmental memorandum signed by Bruce Peters, P.E., Department of Environmental Management and Engineering, Town of Orangetown, dated January 23, 2008.
4. Final Planning Board Decision #06-89, Final Approval Subject to Conditions, dated December 13, 2006.

The Board discussed the Performance Bond.

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

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Boyle Subdivision  
Recommendation to the  
Town Board of the Value and Term  
Of a Performance Bond  
And Reapproval of Final Subdivision Plan

PB #08-08  
February 13, 2008  
Track # (08-02-70:14:1:24)

1) **DECISION:** In view of the foregoing and the testimony before the Board, the application was **GRANTED A REAPPROVAL OF FINAL SUBDIVISION PLAN.**

2) **PERFORMANCE BOND RECOMMENDATION:** In view of the foregoing, the 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 Bruce Peters, P.E., Department of Environmental Management and Engineering, Town of Orangetown, dated January 23, 2008. 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 13, 2010, and Subject to the Following Conditions:

ITEMS	COST
Driveway Opening	\$ 3,200.00
Monuments	1,200.00
Iron Pins	1,350.00
As-Built drawings	3,600.00
Storm Drainage System	34,275.00
Soil Erosion Control	19,100.00
Sanitary Sewer System	53,625.00
	<u>Sub-Total \$116,350.00</u>

Administrative Close-out (20% of Sub-Total) 23,270.00

Total Bond \$139,620.00

Inspection Fee (3% of Sub-Total) \$ 3,490.50

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

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

**Dated: February 13, 2008**

**TOWN OF ORANGETOWN  
PLANNING BOARD RECOMMENDATION**

**Driscoll Subdivision  
Recommendation to the  
Town Board to Call the  
Performance Bond**

**PB #08- 09  
February 13, 2008  
Page 1 of 2**

TO: Yocharan Waldman  
Waltz Developers Corporation  
49 Summit Avenue  
Spring Valley, New York 10977

FROM: Orangetown Planning Board

RE: A Recommendation to the Town Board to Call the Performance Bond for the "**Driscoll Subdivision**", which expired on December 8, 2006, in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown and Chapter 21 of the Code of the Town of Orangetown. The site is located at 42 & 44 Crooked Hill Road, Pearl River, Town of Orangetown, Rockland County, New York and shown on the Orangetown Tax Map as Section 68.12, Block 2, Lots 5.1 & 5.2 in the RG zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **February 13, 2008**, at which time the Board made the following determination:

The Board received the following communications:

1. Project Review Committee Report dated February 6, 2008.
2. Interdepartmental memorandum signed by John Giardiello, P.E., Director of the Office of Building, Zoning and Planning Administration and Enforcement, Town of Orangetown, dated February 13, 2008.
3. An interdepartmental memorandum signed by Bruce Peters, P.E., Department of Environmental Management and Engineering, dated December 12, 2007.
4. PB #04-128, Recommendation to the Town Board to Establish Value of Performance Bond, dated November 30, 2004.
5. A copy of a letter to Mr. Yocharan Waldman, Waltz Developers Corporation, from the Planning Board, dated December 12, 2007. A second mailing to the Waltz Developers Corporation mailed on February 1, 2007.

The Board reviewed the plan.



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

**RECOMMENDATION:** In view of the foregoing, the Planning Board **Recommended to the Town Board to CALL THE PERFORMANCE BOND TO FINISH THE OUTSTANDING ITEMS** per the Department of Environmental Management and Engineering Memorandum, dated December 12, 2007:

<b>ITEMS</b>	<b>COST</b>
<b>As-Built drawings</b>	<b>\$ 1,800.00</b>
<b>Monuments</b>	<b>1,200.00</b>
	<b>Total <u>\$ 3,000.00</u></b>

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

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

**Dated: February 13, 2008, Planning Board**

**TOWN OF ORANGETOWN  
PLANNING BOARD DECISION**

**Hoffman Subdivision  
Extension of Term of Performance Bond**

**PB #08- 10  
February 13, 2008  
Page 1 of 2**

TO: Jeffrey Steinberg  
Katnin Construction  
20 Hamilton Avenue  
Tappan, New York 10983

FROM: Orangetown Planning Board

RE: A Request for an Extension in the Term of the Performance Bond for the "**Hoffman Subdivision**", which expired on December 8, 2006 and the applicant is requesting an extension in the term, in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown and Chapter 21 of the Code of the Town of Orangetown. The site is located at 192 Ehrhart Road, Pearl River, Town of Orangetown, Rockland County, New York and shown on the Orangetown Tax Map as Section 69.05, Block 4, Lot 60 in the R-15 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **February 13, 2008**, at which time the Board made the following determination:

J. Mensa appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated February 6, 2008.
2. Interdepartmental memorandum signed by John Giardiello, P.E., Director of the Office of Building, Zoning and Planning Administration and Enforcement, Town of Orangetown, dated February 13, 2008.
3. An interdepartmental memorandum signed by Bruce Peters, P.E., Department of Environmental Management and Engineering, dated December 12, 2007.
4. PB #04-78, Recommendation to the Town Board to Establish Value of Performance Bond, dated June 23, 2004.
5. A copy of a letter to Mr. Jeffrey Steinberg, Katnin Construction, from the Planning Board, dated December 12, 2007. A second mailing to the Katnin Construction mailed on February 1, 2007.

The Board reviewed the plan.

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

**DECISION:** In view of the foregoing, the Board **EXTENDED THE TERM OF THE PERFORMANCE BOND for 6 MONTHS** in order to complete the work as outlined in the memorandum from the Department of Environmental Management and Engineering, dated December 12, 2007:

<b>ITEM</b>	<b>COST</b>
<b>Monumentation</b>	<b>\$ 1,600.00</b>

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.

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

**Dated: February 13, 2008, Planning Board**

**TOWN OF ORANGETOWN  
PLANNING BOARD DECISION**

**Hillside Subdivision Plan  
Final Approval  
Subject to Conditions/ Neg. Dec.**

**PB #07-44  
February 13, 2008  
Page 1 of 11**

TO: Donald Brenner  
4 Independence Avenue  
Tappan, NY 10983

FROM:Orangetown Planning Board

RE: The application of Route 304, LLC, owner for Prepreliminary/Preliminary Subdivision Plan Review to delete the lot lines from three lots and subdivide the site into two parcels. The area of the entire site is 10.4 acres. Three wetlands have been identified on the site. The subdivision is to be known as “**Hillside 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 on the west side of Route 304 right of way on the south by Hillside Avenue and on the east by the CSX railroad right of way, Orangetown, Rockland County, New York and as shown on the Orangetown Tax Map as Section 68.16, Block 1, Lot 1 and Section 68.11, Block 3, Lots 39 & 40; LI zoning district.

Heard by the Planning Board of the Town of Orangetown at meetings held **July 11, October 10, December 12, 2007 and February 13, 2008**, at which time the Board made the following determinations:

**July 11, 2007**

Donald Brenner, Jay Greenwell, James Tanner, Edmund Lane and Stuart Strow appeared and testified for the applicant. The Board received the following information.

1. A Project Review Report dated July 5, 2007.
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 July 11, 2007.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated July 5, 2007.
4. A letter from HDR/LMS signed by Harvey Goldberg, signed by Harvey M. Goldberg, P.E., Project Manager, dated June 22, 2007.
5. Letters from the Rockland County Department of Planning, signed by Eileen Miller, dated July 9, 2007 and Salvatore Corallo, Commissioner of Planning, dated July 6, 2007.
6. A letter from Rockland County Highway Department, signed by Joseph Arena, Principal Engineering Technician, dated July 5, 2007.
7. A letter from Rockland County Drainage Agency, signed by Edward Devine, Executive Director, dated June 19, 2007.
8. Letters from the Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated June 15 and 18, 2007.

9. A letter from the Rockland County Sewer District #1, signed by Joseph LaFiandra, Engineer II, dated June 22, 2007.
10. A letter from the New York State Department of Transportation, SEQRA/HWP Unit, signed by Ursus Idosu, dated June 26, 2007.
11. Letters from the New York State Department of Transportation, signed by Mary Jo Russo, dated June 15, 2007.
12. A Short Environmental Assessment Form signed by Edmund Lane, dated June 11, 2007.
13. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated July 11, 2007, with an attachment of Part II of the Full Environmental Assessment Form.
14. A Short Environmental Assessment Form signed by Edmund Lane, dated June 11, 2007.
15. A Subdivision Plan prepared by Jay Greenwell, PLS, dated June 1, 2007.

The Board discussed the plans and information.

**Public Comment:**

Walter Pfannenberger, an abutting property owner, raised concern regarding the percentage of development in the wetlands.

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

**October 10, 2007**

Donald Brenner, James Tanner, Edmund Lane and Stuart Strow appeared and testified for the applicant. The Board received the following information.

1. A Project Review Report dated October 3, 2007.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated October 10, 2007.
3. A letter from the Rockland County Department of Planning, signed by Salvatore Corallo, Commissioner of Planning, dated October 4, 2007.
4. A letter from Rockland County Highway Department, signed by Joseph Arena, Principal Engineering Technician, dated October 1, 2007.
5. A Subdivision Plan prepared by Brooker Engineering, dated August 29, 2007.
6. Letters from HDR/LMS, signed by Harvey M. Goldberg, P.E., Project Manager, dated October 1 & 8, 2007.

The Board discussed the plans and information.

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

**December 12, 2007**

Donald Brenner, James Tanner, Edmund Lane and Stuart Strow appeared and testified for the applicant. The Board received the following information.

1. A Project Review Report dated November 7, 2007.
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 November 14, 2007.
3. Letters from Greater Hudson Valley Engineering and Land Surveying, signed by Thomas Vanderbeek, President, dated October 10, November 27 and December 12, 2007.

**Public Comment:**

Walter Pfannenberger, an abutting property owner, raised concern regarding the drainage runoff and redesign of the roadway access to the site.

A motion was made **REFER THE APPLICATION TO THE TOWN OF ORANGETOWN ZONING BOARD OF APPEALS TO SEEK THE NEEDED ZONING VARIANCES** by Kevin Garvey seconded by Anthony Iurica and carried as follows: Bruce Bond, aye; Anthony Iurica, aye; John Foody, aye; William Young, aye; Robert Dell, aye; Jeffrey Golda, absent and Kevin Garvey, aye.

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

**February 13, 2008**

Donald Brenner, James Tanner, Edmund Lane and Stuart Strow appeared and testified for the applicant. The Board received the following information.

1. A Project Review Report dated February 6, 2008.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated February 13, 2008.
3. A letter from Greater Hudson Valley Engineering and Land Surveying, signed by Thomas Vanderbeek, President, dated January 31, 2008.
4. A letter from Pearl River Industrial Terminal, Inc., signed by Walter Pfannenberger, dated February 11, 2008.

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

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

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

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

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

**DECISION: In view of the foregoing and the testimony before the Board, the application was GRANTED A FINAL SUBDIVISION 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. Items numbers 5, 6, 8 10 and 12 of the Short Environmental Assessment Form need to be completed.
4. A review shall be completed by the New York State Department of Transportations and any required permits obtained.
5. A review shall be completed by the applicable provider of fire and emergency services and any of their concerns addressed.
6. Soil Erosion and Sediment Soil Erosion and Sediment Control Plans and details shall be submitted to the Town of Orangetown Department of Environmental Management and Engineering for review and approval. The Soil Erosion and Sediment Control Plan shall meet the NYS Guidelines for Urban Erosion and Sediment Control.
7. The Drainage Consultant to the Planning Board recommends acceptance of the drainage design subject to the letter dated January 31, 2008, from Greater Hudson Valley, signed by Thomas B. Vanderbeek, P.E., President. This is the third time the consultant has seen this project and most of the comments have been addressed. Of the thirteen comments listed in their January 31, 2008 document, seven (#'s 4, 5 and 9-13) have been addressed by the applicant and are considered closed, two (#'s 3 and 8) will be addressed during the NYSDEC sixty day review period, three (#'s 1, 6 and 7) will be addressed by the applicant during preparation of the full SWPPP and the last (#2) is a recommendation that can be addressed during the construction process. Therefore, the drainage submission is complete enough for the Consultant to recommend acceptance of the drainage at this time. The Consultant offered the following new comments in it's January 31, 2008 review:



Jan 31<sup>st</sup> letter comment #1: The forebays have been provided for each inflow point on the plan set. However, the Development Conditions Drainage Plan should be updated to match the plan set. This may be addressed when the full SWPPP is prepared.

Jan 31<sup>st</sup> letter comment #2: A proposed fence has been added in the area between the two buildings. During construction, the existing fence along the west side of the pond should be inspected and repaired as necessary

Jan 31<sup>st</sup> letter comment #4: The applicant has stated that easements for maintenance of the detention pond have been added to the subdivision plan. This is also stated on note no. 23 on the Title Sheet. No further comment necessary.

Jan 31<sup>st</sup> letter comment #5: The applicant has stated that the party responsible for maintenance of the pond, the property owner, is satisfied that maintenance personnel can access the detention basin without undue difficulty. No further comment necessary.

Jan 31<sup>st</sup> letter comment #7: Temporary sediment basin calculations have been provided, however the Design Data Sheet provided does not correspond with the standard sheet on Page 5A.54 of the New York State Standards and Specifications for Erosion and Sediment Control, August 2005. The correct form should be added to the report. This may be provided when the SWPPP is prepared.

8. There shall be no net increase in storm water runoff from the site.
9. A review shall be completed by the Rockland County Department of Health and all required permits obtained. The review shall include the proposed underground water well and its easement.
10. Wetlands to be preserved and any wetland buffers or setbacks shall be shown as Conservation Areas on the Subdivision Plan.
11. All wetland and wetland buffer areas to be preserved shall be clearly marked in the field prior to any clearing or construction. Notes shall be placed on the Subdivision plat regarding this field-marking requirement, as well as to explain the long-term use restrictions for these areas including that no accessory structures shall be placed in these areas.
12. Notes explaining the entity with maintenance responsibilities for the proposed well, its associated easement, the combination utilities/ingress/egress easement, and any other easements and common improvements, including the detention basin, shall be provided on the subdivision plat.

- 13.** Any public sewer mains requiring extensions within a right of way or an easement shall be reviewed and approved by Rockland County Health Department prior to construction.
- 14.** 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.
- 15.** If any public water supply improvements are required, engineering plans and specification for these improvements shall be reviewed by the Rockland County Department of Health, prior to construction. In order to complete an application for approval of plans for public water supply improvements, the water supplier must supply an engineer's report pursuant to the "Recommended Standards for Water Works, 2003 Edition," that certifies their ability to serve the proposed project while meeting the criteria contained within the Recommended Standards for Water Works. These standards are adopted in their entirety in 10 NYCRR, Subpart 5-1, the New York State regulations governing public water systems. Both the application and supporting engineer's report must be signed and stamped by a NYS licensed professional engineer and shall be accompanied by a completed NYS Department of Health Form 348, which must be signed by the public water supplier.
- 16.** A review shall be completed by the U.S. Army Corps of Engineers and all required permits obtained.
- 17.** A review shall be completed by the New York State Department of Environmental Conservation and all required permits obtained.
- 18.** The Rockland County Department of Highways reviewed the Subdivision Plan and information and found that the project should have not foreseeable adverse effect upon County Roads in the area.
- 19.** Based upon the Rockland County Drainage Agency's (RCDA) evaluation of available mapping and the information submitted, it has been determined that the proposed activity is within the jurisdiction of the RCDA. Accordingly, a permit from the RCDA pursuant to Chapter 846, Rockland County Stream Control Act,

**Continuation of condition #19...**

is required. The applicant shall submit an application to RCDA immediately. Furthermore, the Rockland County Stream Control Act requires that all subdivision maps must be signed by the Chairman of the RCDA before the Rockland County Clerk will accept same for filing.

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

**21.** The New York State Department of Transportation (NYSDOT) reviewed the Subdivision Plan and at this time recommends Traffic Impact Study for the proposed subject development for its review.

**22.** The following agencies do not object to the Town of Orangetown Planning Board assuming responsibilities of lead agency for SEQRA purposes:

- Rockland County Department of Planning
- Rockland County Department of Health
- Rockland County Drainage Agency
- Rockland County Sewer District #1

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

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

**25. 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.

**Continuation of Condition #25....**

- 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.
- 26.** 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.
- 27.** 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.
- 28.** The contractor's trailer, if any is proposed, shall be located as approved by the Planning Board.
- 29.** 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).

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

**31.** 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

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

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

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

**Dated: February 13, 2008**



**TOWN OF ORANGETOWN  
PLANNING BOARD DECISION**

**Hillside Commercial Park Site Plan  
Preliminary Approval  
Subject to Conditions/ Neg. Dec.**

**PB #07-45  
February 13, 2008  
Page 1 of 15**

TO: Donald Brenner  
4 Independence Avenue  
Tappan, NY 10983

FROM: Orangetown Planning Board

RE: The application of Route 304, LLC, owner for Prepreliminary/Preliminary Site Plan Review to construct a 68,000 square foot two story building on the northerly parcel, and two buildings on the southerly parcel. One of the buildings on the southerly parcel will be 24,000 square feet, one story self storage building. The second building will be an 82,750 square foot two story self storage building. The Site Plan will be known as "**Hillside Site Plan**", in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21A of the code of the Town of Orangetown. The site is located on the west side of Route 304 right of way on the south by Hillside Avenue and on the east by the CSX railroad right of way, Orangetown, Rockland County, New York and as shown on the Orangetown Tax Map as Section 68.16, Block 1, Lot 1 and Section 68.11, Block 3, Lots 39 & 40; LI zoning district.

Heard by the Planning Board of the Town of Orangetown at meetings held **July 11, October 10, December 12, 2007 and February 13, 2008**, at which time the Board made the following determinations:

**July 11, 2007**

Donald Brenner, Jay Greenwell, James Tanner, Edmund Lane and Stuart Strow appeared and testified for the applicant. The Board received the following information.

1. A Project Review Report dated July 5, 2007.
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 July 11, 2007.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated July 5, 2007.

4. A letter from HDR/LMS signed by Harvey Goldberg, signed by Harvey M. Goldberg, P.E., Project Manager, dated June 22, 2007.
5. Letters from the Rockland County Department of Planning, signed by Eileen Miller, dated July 9, 2007 and Salvatore Corallo, Commissioner of Planning, dated July 6, 2007.
6. A letter from Rockland County Highway Department, signed by Joseph Arena, Principal Engineering Technician, dated July 5, 2007.
7. A letter from Rockland County Drainage Agency, signed by Edward Devine, Executive Director, dated June 19, 2007.
8. Letters from the Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated June 15 and 18, 2007.
9. A letter from the Rockland County Sewer District #1, signed by Joseph LaFiandra, Engineer II, dated June 22, 2007.
10. Letters from the New York State Department of Transportation, signed by Mary Jo Russo, dated June 15, 2007.
11. A Short Environmental Assessment Form signed by Edmund Lane, dated June 11, 2007.
12. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated July 11, 2007, with an attachment of Part II of the Full Environmental Assessment Form.
13. A Subdivision Plan prepared by Brooker Engineering, dated June 1, 2007.
14. Drainage Analysis prepared by Brooker Engineering, dated August 29, 2007.

The Board discussed the plans and information.

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

**October 10, 2007**

Donald Brenner, James Tanner, Edmund Lane and Stuart Strow appeared and testified for the applicant. The Board received the following information.

1. A Project Review Report dated October 3, 2007.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated October 10, 2007.
3. An interdepartmental memorandum signed by Bruce Peters, P.E., Department of Environmental Management and Engineering, dated October 5, 2007.



4. A letter from the Rockland County Department of Planning, signed by Salvatore Corallo, Commissioner of Planning, dated October 2, 2007.
5. A copy of a Rockland County Drainage Agency Stream Control Act Permit Application Notice of Receipt, dated October 1, 2007.
6. A letter from the Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated September 14, 2007.
7. A letter from the New York State Department of Transportation, signed by Mary Jo Russo, dated September 27, 2007.
8. An interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by Michael Bettmann, Chief Fire Inspector, dated September 21, 2007.
9. Site Plans prepared by Brooker Engineering, dated August 28, 2007:
  - Drawing T: Title Sheet
  - Drawing 1: Layout Plan
  - Drawing 2: Grading and Utility Plan (1 of 2)
  - Drawing 3: Grading and Utility Plan (2 of 2)
  - Drawing 3A: Off-Site Utility Plan
  - Drawing 4: Soil Erosion & Sediment Control Plan
  - Drawing 5: Landscaping & Lighting Plan
  - Drawing 6: Road Profiles (1 of 2)
  - Drawing 7: Road Profiles (2 of 2)
  - Drawing 8: Drainage Profiles
  - Drawing 9: Construction Details
  - Drawing 10: Construction Details
10. Letters from HDR/LMS, signed by Harvey M. Goldberg, P.E., Project Manager, dated October 1 & 8, 2007.

The Board discussed the plans and information.

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

**December 12, 2007**

Donald Brenner, James Tanner, Edmund Lane and Stuart Strow appeared and testified for the applicant. The Board received the following information.

1. A Project Review Report dated November 7, 2007.
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 November 14, 2007.
3. A letter from Greater Hudson Valley Engineering and Land Surveying, signed by Thomas Vanderbeek, President, dated October 10, November 27 and December 12, 2007.

**Public Comment:**

Walter Pfannenberger, an abutting property owner, raised concern regarding the drainage runoff and redesign of the roadway access to the site.

A motion was made **REFER THE APPLICATION TO THE TOWN OF ORANGETOWN ZONING BOARD OF APPEALS TO SEEK THE NEEDED ZONING VARIANCES** by Kevin Garvey seconded by Anthony Iurica and carried as follows: Bruce Bond, aye; Anthony Iurica, aye; John Foody, aye; William Young, aye; Robert Dell, aye; Jeffrey Golda, absent and Kevin Garvey, aye.

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

**February 13, 2008**

Donald Brenner, James Tanner, Edmund Lane and Stuart Strow appeared and testified for the applicant. The Board received the following information.

1. A Project Review Report dated February 6, 2008.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated February 13, 2008.
3. A letter from Greater Hudson Valley Engineering and Land Surveying, signed by Thomas Vanderbeek, President, dated January 31, 2008.
4. A letter from Pearl River Industrial Terminal, Inc., signed by Walter Pfannenberger, dated February 11, 2008.

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 seconded by Anthony Iurica carried as follows: Bruce Bond, aye; Anthony Iurica, aye; John Foody, aye; William Young, aye; Robert Dell, aye; Jeffrey Golda, aye, and Kevin Garvey, aye.

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

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

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

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

**DECISION: In view of the foregoing and the testimony before the Board, the application was GRANTED A PRELIMINARY SITE 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. Signs shall be placed as requested by Walter Pfaffenberger, Pearl River Industrial Terminal, Inc. as follows: (#1) for those existing the complex, two no left turn signs, one on each side of the roadway be installed, and (#2) install a "No-right turn" sign from the Pearl River Industrial Terminal complex to the Hillside complex.

- 4.** The applicant shall revise the entryway as per the Pearl River Industrial letter of February 11, 2008, (#3): The curb line on the east side of the entrance should be straight instead of flared, again to deter unwanted exiting traffic, and (#4) the east side of the entrance near the proposed catch basin and where the property lines join, check the existing and proposed elevations, a revision is needed.
- 5.** Establish a Clearing Limit Line 10 feet from the easterly property line on the Site Plan.
- 6.** Applicant shall take the placement of Speed Bumps on the site under advisement from the Planning Board, however, is not required to place Speed Bumps in on the Site Plan.
- 7.** The applicant requested to store "Dirt" on the site prior to having the Site Plan signed. The Board conditioned the approval of storage of the earth on the site upon the submission of a proper SWFF that is not in conflict with the Wetlands, and that would be subject to review and approval of the Building Inspector of the Town of Orangetown Department of Building, Zoning, Planning Administration and Enforcement.
- 8.** The Site Plan, proposed architectural drawings, and landscaping plans requires review and approval by the Town of Orangetown Architecture and Community Appearance Board of Review.
- 9.** Items numbers 5, 6, 8 10 and 12 of the Short Environmental Assessment Form need to be completed.
- 10.** All easements need to be shown on the Site Plan.
- 11.** Approval from the U.S. Army Corp of Engineers needs to be provided based on the encroachment into the wetlands.
- 12.** The purpose of the underground water well and the owner shall be disclosed. More details shall be provided.
- 13.** Approval from the New York State Department of Transportation (NYSDOT) shall be obtained for the construction of the off site utilities through the Route 304 right of way.
- 14.** All dimensions of parking spaces, driveway, etc. need to be labeled on the Site Plan.
- 15.** The Landscaping Plan and Lighting Plan shall be reviewed and approved by the Town of Orangetown Architecture and Community Appearance Board of Review.
- 16.** All handicap details need to be provided such as drop curbs, signage, etc.
- 17.** A note shall be added to the Site Plan indicating the source benchmark for the referenced datum, including the BM elevation.
- 18.** The location of the proposed sanitary building connection, for the proposed self storage building, shall be shown on the Site Plan, if applicable.

19. Sanitary calculations for the proposed buildings as well as the design calculations for the proposed sanitary pumping station, prepared and sealed by a New York State Licensed Professional Engineer, shall be submitted to DEME for review and approval.

20. The drainage calculations are currently under review by DEME.

21. The Soil Erosion and Sediment Control Plans and Details are currently under review by DEME.

22. Post construction stormwater maintenance agreement(s) in accordance with New York State Department of Environmental Conservation Phase II regulations, for the proposed stormwater system(s) shall be submitted to DEME and the Town of Orangetown Town Attorney's Office for review and approval, in substance and form. Said agreement(s) shall include a maintenance and management schedule, inspection check list, contact person with telephone number, yearly report to be submitted to DEME, etc.

23. Profiles for the proposed sanitary sewer and force main shall be added to the plans.

24. The applicant shall demonstrate, to the satisfaction of the Town Attorney's Office, the ability to obtain easements for the proposed force main, water and gas lines.

25. Iron pines shall be drawn and labeled at each property corner.

26. The proposed driveway access onto Hillside Avenue shall be shifted north easterly, approximately 5 feet, away from the property line.

27. The Drainage Consultant to the Planning Board recommends acceptance of the drainage design subject to the letter dated January 31, 2008, from Greater Hudson Valley, signed by Thomas B. Vanderbeek, P.E., President. This is the third time the consultant has seen this project and most of the comments have been addressed. Of the thirteen comments listed in their January 31, 2008 document, seven (#'s 4, 5 and 9-13) have been addressed by the applicant and are considered closed, two (#'s 3 and 8) will be addressed during the NYSDEC sixty day review period, three (#'s 1, 6 and 7) will be addressed by the applicant during preparation of the full SWPPP and the last (#2) is a recommendation that can be addressed during the construction process. Therefore, the drainage submission is complete enough for the Consultant to recommend acceptance of the drainage at this time. The Consultant offered the following new comments in it's January 31, 2008 review:

**Continuation of Condition #27.....**

Jan 31<sup>st</sup> letter comment #1: The forebays have been provided for each inflow point on the plan set. However, the Development Conditions Drainage Plan should be updated to match the plan set. This may be addressed when the full SWPPP is prepared.

Jan 31<sup>st</sup> letter comment #2: A proposed fence has been added in the area between the two buildings. During construction, the existing fence along the west side of the pond should be inspected and repaired as necessary

Jan 31<sup>st</sup> letter comment #4: The applicant has stated that easements for maintenance of the detention pond have been added to the subdivision plan. This is also stated on note no. 23 on the Title Sheet. No further comment necessary.

Jan 31<sup>st</sup> letter comment #5: The applicant has stated that the party responsible for maintenance of the pond, the property owner, is satisfied that maintenance personnel can access the detention basin without undue difficulty. No further comment necessary.

Jan 31<sup>st</sup> letter comment #7: Temporary sediment basin calculations have been provided, however the Design Data Sheet provided does not correspond with the standard sheet on Page 5A.54 of the New York State Standards and Specifications for Erosion and Sediment Control, August 2005. The correct form should be added to the report. This may be provided when the SWPPP is prepared.

- 28.** A review shall be completed by the New York State Department of Transportation and any required permits obtained.
- 29.** A review shall be completed by the U.S. Army Corps of Engineers and all required permits obtained.
- 30.** A review shall be completed by the New York State Department of Environmental Conservation and all required permits obtained.
- 31.** A review shall be completed by the Rockland County Department of Health and all required permits obtained. The review shall include the proposed underground water well and its easement.
- 32.** Wetlands to be preserved and any wetland buffers or setbacks shall be shown as Conservation Areas on the Site Plan.

**33.** All wetland and wetland buffer areas to be preserved shall be clearly marked in the field prior to any clearing or construction. Notes shall be placed on the Subdivision plat regarding this field-marking requirement, as well as to explain the long-term use restrictions for these areas including that no accessory structures shall be placed in these areas.

**34.** Notes explaining the entity with maintenance responsibilities for the proposed well, its associated easement, the combination utilities/ingress/egress easement, and any other easements and common improvements, including the detention basin, shall be provided on the site plan.

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

**36.** 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.

**37.** If any public water supply improvements are required, engineering plans and specification for these improvements shall be reviewed by the Rockland County Department of Health, prior to construction. In order to complete an application for approval of plans for public water supply improvements, the water supplier must supply an engineer's report pursuant to the "Recommended Standards for Water Works, 2003 Edition," that certifies their ability to serve the proposed project while meeting the criteria contained within the Recommended Standards for Water Works. These standards are adopted in their entirety in 10 NYCRR, Subpart 5-1, the New York State regulations governing public water systems. Both the application and supporting engineer's report must be signed and stamped by a NYS licensed professional engineer and shall be accompanied by a completed NYS Department of Health Form 348, which must be signed by the public water supplier.

**38.** Soil Erosion and Sediment Soil Erosion and Sediment Control Plans and details shall be submitted to the Town of Orangetown Department of Environmental Management and Engineering for review and approval. The Soil Erosion and Sediment Control Plan shall meet the NYS Guidelines for Urban Erosion and Sediment Control.

- 39.** There shall be no net increase in storm water runoff from the site.
- 40.** Rockland County Department of Planning notes that approximately seventy percent more parking spaces are proposed than are required. If there is any question regarding whether all of this parking will definitely be needed, it is recommended that the applicant and Planning Board consider land banking a portion of the spaces so as to possibly avoid unneeded impermeable area.
- 41.** The access road to Lot #2 and the parallel drive around the lower building on Lot #1 seems to be redundant. It appears that it would be better to combine the roads, thereby reducing impervious area and making area available for landscaping and other uses. It is recommended that this be considered by the applicant.
- 42.** A narrative and other information shall be provided explaining how the overall stormwater management system for the two proposed lots will be designed and maintained.
- 43.** The Town shall be satisfied that the landscape and lighting plans meet all Town of Orangetown requirements.
- 44.** A review shall be completed by the Rockland County Office of Fire and Emergency Services and any concerns addressed.
- 45.** The fire zones must be clearly marked on the Site Plan. Access to the fire zones shall be unimpeded by other parking areas and maneuverability on the site feasible.
- 46.** The fire department connections shall be designated on the Site Plan and kept clear for easy access by the emergency response vehicles.
- 47.** A Legend shall be added to the Site Plan to explain the various symbols.
- 48.** The Rockland County Department of Highways reviewed the Subdivision Plan and information and found that the project should have not foreseeable adverse effect upon County Roads in the area.
- 49.** Based upon the Rockland County Drainage Agency's (RCDA) evaluation of available mapping and the information submitted, it has been determined that the proposed activity is within the jurisdiction of the RCDA. Accordingly, a permit from the RCDA pursuant to Chapter 846, Rockland County Stream Control Act, is required. The applicant shall submit an application to RCDA immediately.
- 50.** The Rockland County Department of Health (RCDOH) reviewed the plans and provided the following comments:
- A Transportation Corporation must be formed in accordance to Article 10, "Sewage-Works Corporations" of the New York State Transportation Corporation Law. A detailed review will be conducted when the formal application is made to RCDOH.
- 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 storm water management system for compliance with the County Mosquito Code Contact Brian Hunderfurd at RCDOH to coordinate.



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

**52.** The New York State Department of Transportation (NYSDOT) reviewed the Site Plan and at this time recommends the following:

A Traffic Study shall be submitted to determine the impact on the intersection of Hillside and Route 305.

A drainage study shall be submitted to NYSDOT for review.

The offset of the proposed entrance with the intersection of Route 304 shall be shown on the Site Plans.

**53.** The Bureau of Fire Prevention, Town of Orangetown had the following comments:

All roadways, turnarounds, etc. must provide a proper turning radius to accommodate a 55 foot long piece of fire apparatus with a wheelbase of 254 inches.

All roadways must be a minimum of 20 feet in width with vertical clearance of 13 feet 6 inches.

Bridges, culverts, elevated surfaces shall comply with the following:

Where a bridge or an elevated surface is a part of a fire apparatus access road the bridge shall be constructed and maintained in accordance with AASHTO Standard Specification for Highway Bridges. Bridges and elevated surfaces shall be designed for a live load sufficient to carry the imposed loads of fire apparatus. Vehicles load limits shall be posted at both entrances to bridges when required by Fire Inspector. Where elevated surfaces designed for emergency vehicles use are adjacent to surfaces which are not designed for such use, approved barriers, approved signs or both shall be installed and maintained when required by the Fire Inspector.

Fire hydrants shall be provided with a maximum spacing of 500 feet between each. Public hydrants connected and maintained by United Water, shall be shown on the Site Plan.

Provide proper Architectural drawings of the proposed structures.

Install and maintain fire sprinkler systems as per NFPA 13.

Install and maintain fire alarm systems as per NFPA 72. In addition, fire alarm systems are to be addressable and transmit in contact ID format to 44-Control.

Fire alarm systems are required to have exterior mounted amber strobe light for Activation of detection devices and manual pull stations. In addition, a red strobe light shall be installed on the exterior to indicate sprinkler water flow. The location for the strobe lights shall be determined by the Town of Orangetown Fire Inspector.

**Continuation of Condition #53.....**

Key boxes for Fire Department access shall be installed on each building in a location to be determined by a Town of Orangetown Fire Inspector. An Order Form shall be provided by a Fire Inspector.

Five inch Storz fire department connections for the fire sprinkler systems shall be provided in a location to be determined by the Town of Orangetown Fire Inspector. In addition, a sign indicating "FDC" in six inch red reflective letters shall be installed at a minimum of four feet above the connection.

Portable fire extinguishers shall be installed and maintained as per NFPA 10.

Upon review of structural drawings, a determination shall be made as to the requirements of a standpipe system.

It appears that a four inch water main may be inadequate to support fire flows. The applicant shall provide certified documentation of such.

Apply for and maintain a Certificate of Compliance Fire Safety.

**54.** The following agencies do not object to the Town of Orangetown Planning Board assuming responsibilities of lead agency for SEQRA purposes:

- Rockland County Department of Planning
- Rockland County Department of Health
- Rockland County Drainage Agency
- Rockland County Sewer District #1
- New York State Department of Transportation

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

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

**57.** The Site Plan shall be signed and sealed by both a Professional Land Surveyor and a Professional Engineer.

**58. 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

**Continuation of Condition #58...**

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.

**59.** 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.

**60.** 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.

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

**62.** 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

**Continuation of Condition #62...**

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).

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

**64.** 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

**65.** 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 Anthony Iurica and carried as follows: Bruce Bond, aye; Anthony Iurica, aye; William Young, aye; John Foody, aye; Robert Dell, aye; Jeffrey Golda, aye and Kevin Garvey, aye.

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

**Dated: February 13, 2008**



