

**TOWN OF ORANGETOWN PLANNING BOARD  
MEETING OF FEBRUARY 27, 2008**

**MEMBERS PRESENT:** Robert Dell, Chairperson, Bruce Bond, Vice-Chairperson, Kevin Garvey, William Young, John Foody and Jeffrey Golda

**MEMBERS ABSENT:** Anthony Iurica

**ALSO PRESENT:** Bert von Wurmb, Building Inspector, Robert Magrino, Deputy Town Attorney, Ann Marie Ambrose, Stenographer and Cheryl Coopersmith, Chief Clerk

Robert Dell, Chairperson called the meeting to order at 7:35 P.M.  
Mr. 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:

<b>Sicketown Woods Subdivision Plan</b> Road Dedication/Water Detention Pond Plan Review 69.08/1/1; R-40 zone	<b>Postponed</b>	<b>PB #07-63</b>
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<b>Bradley Corporate Park – Building 8</b> Amendment to Approved Site Plan and SEQRA Review 65.18/1/16; LI & LIO zone	<b>Granted Amendment to Site Plan/ Neg. Dec.</b>	<b>PB #08-11</b>
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<b>Blickman Subdivision Plan (Jacquency Subd.)</b> Request for 2nd 90 Day Extension to File Subdivision Plat with Rockland County Clerk's Office 69.19/1/25; R-40 zone	<b>Granted 2<sup>nd</sup> 90 Day Extension to File</b>	<b>PB #8-12</b>
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The decisions of the January 23, 2008 Planning Board Meeting was reviewed, edited and approved. The motion for adoption was made and moved by Kevin Garvey and seconded by Bruce Bond and carried as follows: Robert Dell, aye; Kevin Garvey, aye; Bruce Bond, aye; Anthony Iurica, absent; Jeffrey Golda, aye, John Foody, aye and William Young, aye.

The decisions of the February 13, 2008 Planning Board Meeting was reviewed, edited and approved. The motion for adoption was made and moved by Kevin Garvey and seconded by Bruce Bond and carried as follows: Robert Dell, aye; Kevin Garvey, aye; Bruce Bond, aye; Anthony Iurica, absent; Jeffrey Golda, aye, John Foody, aye and William Young, aye.

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

Since there was no further business to come before the Board, a motion to adjourn the meeting was made by Anthony Iurica, seconded by Kevin Garvey and agreed to by all in attendance. The meeting was adjourned at 8:25 P.M.

The next Planning Board meeting is scheduled for March 12, 2008.

**DATED: February 27, 2008**

**Cheryl Coopersmith  
Chief Clerk  
Town of Orangetown**

**TOWN OF ORANGETOWN  
PLANNING BOARD DECISION**

**Amendment to Bradley Corporate Park Site Plan  
Restaurant Depot Plan – Building #8  
Preliminary Site Plan Approval  
Subject to Conditions/Neg. Dec.**

**PB #08-11  
February 27, 2008  
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TO: John Magee  
500 Bradley Hill Road  
Blauvelt, NY 10913

FROM: Orangetown Planning Board

RE: An Applicant for an Amendment to the Approved Site Plan of Bradley Corporate Park, owner for at site known as “**Amendment to Bradley Corporate Park Site Plan Restaurant Depot Plan – Building #8**”, 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 100 Corporate Drive, Blauvelt, Town of Orangetown, Rockland County, New York and as shown on the Orangetown Tax Map as Section 65.18, Block 1, Lot 16 in the LI & LIO zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held February 27, 2008, at which time the Board made the following determinations:

Dan Mellon and Larry Cohen appeared and testified.

The Board received the following communications:

1. A Project Review Memo dated February 20, 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 27, 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 20, 2008.
4. A letter from the Rockland County Department of Planning, signed by Salvatore Corallo, Commissioner of Planning, dated February 7, 2008.
5. A letter from Rockland County Department of Highways, signed by Sonny Lin, dated February 8, 2008.
6. Letters from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated January 30 & 31, 2008.

7. A letter from Rockland County Sewer District #1, signed by Joseph LaFiandra, Engineer II, dated February 19, 2008.
8. A letter from the Town of Clarkstown Planning Board, signed by Shirley Thormann, Chairwoman, dated February 5, 2008.
9. A letter from the New York State Department of Transportation, signed by Mary Jo Russo, dated February 5, 2008.
10. A Short Environmental Assessment Form signed by John F. Magee dated January 22, 2008.
11. Amended Site Plan Restaurant Depot Building 8 prepared by Corless and Associates, dated January 18, 2008
12. A letter signed by Larry Cohen, Restaurant Depot, dated February 1, 2008.
13. A memorandum to the Planning Board from John Magee, dated February 2008.

The Board reviewed the plans.

The hearing was then opened to the Public. There being no one to be heard from the Public, a motion was made to close the Public Hearing portion of the meeting by Kevin Garvey and seconded by William Young and carried as follows: Bruce Bond, aye; Anthony Iurica, absent; 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 John Foody and carried as follows: Bruce Bond, aye; Anthony Iurica, absent; 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 William Young and carried as follows: Bruce Bond, aye; Anthony Iurica, absent; 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 AN AMENDMENT TO THE APPROVED SITE PLAN SUBJECT TO THE FOLLOWING CONDITIONS:**

1. This application is an amendment to an approved Site Plan by the Orangetown Planning Board dated February 28, 1990. A Building Permit was issued for the construction of the original building as shown on the approved Site Plan. The Zoning Bulk Requirements for this property are pre 1988 Zoning Code Revisions. Therefore, the amendments pertaining to this application are for the footprint of the proposed building and a reconfiguration of the parking/loading areas.
2. The following note shall be placed on the Site Plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a meeting."
3. 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.
4. The Project Review Committee recommends that this project comply with Stormwater Phase II regulations.
5. A truck directional sign shall be erected at the northwest corner of the loading area. The sign shall note that no truck traffic shall be allowed beyond that point. Directional signage shall also be erected for car traffic and all truck traffic to exist out to the left.

6. The yard setbacks from the proposed building to the property lines shall be labeled on the Site Plan. The north-west, North and East side of the building need to show the yard setbacks to the property lines.
7. The Short Environmental Assessment Form appears to be in order.
8. The number of loading berths and the respective calculations need to be provided on the Site Plan.
9. The amended Site Plan shows a 25 foot undisturbed area adjacent to Route 303. This undisturbed area can be considered the 25 foot buffer along Route 303 as required by the Route 303 Overlay Zone District.
10. The amended plans requires re-approval by the Town of Orangetown Architecture and Community Appearance Board of Review (ACABOR). In addition, any new lighting and signage requires ACABOR approval.
11. The "Restaurant Depot" sign at the entrance of the site shall be removed from the Site Plan. At some time in the future, the applicant shall make application to the Town of Orangetown for a Sign.
12. The Site Plan shall clearly distinguish between existing and proposed grading.
13. All proposed drainage structures shall be shown on the Site Plan.
14. Drainage calculations, prepared and sealed by a New York State Licensed Professional Engineer shall be submitted to DEME for review and approval. The applicants engineer shall design onsite storage to achieve a zero increase in runoff from the proposed site.
15. A Stormwater Prevention Pollution Plan shall be prepared for this Site Plan.
16. 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 Attorney's office for review and approval, in substance and form. 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.
17. The proposed sanitary sewer building connection shall be shown on the Site Plan.
18. Soil erosion and sediment control plan and details shall be submitted to DEME for review and approval. Plans shall be developed that meet the New York State Guidelines for Urban Erosion and Sediment Control.
19. A note shall be added to the Site Plan indicating the source benchmark for the referenced datum, including the BM elevation.

- 20.** The Town shall be satisfied that all of the applicable provisions of the Route 303 Overlay Zone have been addressed.
- 21.** A review shall be completed by the New York State Department of Transportation and all required permits obtained.
- 22.** All proposed signage shall be indicated on the Site Plan and shall conform to Orangetown's sign standards.
- 23.** 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.
- 24.** The fire department connections shall be designated on the site plan and kept clear for easy access by the emergency response vehicles.
- 25.** 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.
- 26.** 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.
- 27.** 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.

- 28.** There shall be no net increase in storm water runoff from the site.
- 29.** Since a major portion of the proposed parking is located in the garage level, detailed plans shown the parking layout, columns, entrances and exists must be provided.
- 30.** All building entrances shall be clearly delineated on the Site Plan and sidewalks provided to the entrances. For example, it appears that there is an entrance in the middle of the side of the building facing Route 303, yet the landscaping is shown in front of the entranceway.
- 31.** The Rockland County Department of Highways reviewed the Site Plan and information and provided the following comments:  
On the Vicinity Map of the Amended Site Plan for Restaurant Depot in Building #8, Tax Lot 65.18-1-27 shall be identified as Building #6 in lieu of Building #9. For Tax Lot 65.18-1-16, Building number shall be identified as Building #8.  
The proposed action would have negligible adverse effect upon county roads in the area.
- 32.** The Rockland County Department of Health (RCDOH) reviewed the plans and provided the following comment:  
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 Hunderfund.
- 33.** 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.
- 34.** The Town of Clarkstown Planning Board reviewed the Site Plan and deemed the matter for local determination.
- 35.** The following agencies do not object to the Town of Orangetown Planning Board assuming responsibilities of lead agency for SEQRA purposes:
- Rockland County Sewer District #1
  - Rockland County Department of Highway
  - Rockland County Department of Health
  - New York State Department of Transportation

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

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

**38. 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.

**39.** 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.

**40.** 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.

- 41.** The contractor's trailer, if any is proposed, shall be located as approved by the Planning Board.
- 42.** 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).
- 43.** Permanent vegetation cover of disturbed areas shall be established on the site within thirty (30) days of the completion of construction.
- 44.** 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
- 45.** The Planning Board shall retain jurisdiction over lighting, landscaping, signs and refuse control.

The Board made a motion to override Conditions #4 and #5 in the letter from the Rockland County Department of Planning, signed by Salvatore Corallo, Commissioner of Planning, dated February 7, 2008, for the following reasons:

“#4. Since a portion of the site is located within federal wetlands, a review shall be completed by the U.S. Army Corps of Engineers and all required permits obtained. All wetland boundaries must be clearly delineated on the Site Plan.”

The Board held that the site is not within the Federal Wetlands and not subject to review by the United States Army Corps of Engineers. A motion to Override the condition was made and moved by Bruce Bond and seconded by Kevin Garvey and carried as follows: Robert Dell, aye; Kevin Garvey, aye; Bruce Bond, aye; Anthony Iurica, absent; Jeffrey Golda, aye; William Young, aye and John Foody, aye.

“#5. A landscaping and lighting plan shall be submitted for our review. The landscaping plan shall include low evergreen vegetation or a berm in front of the parking spaces facing the state highway to shield headlights from shining into oncoming vehicles traveling on the road. In addition, landscaping shall be provided to screen the rooftop from the state highway since the top of the building will be visible from the roadway. Fields of illumination shall be shown on the plan, and no lights shall shine beyond the property boundary.”

The Board held that the applicant shall make application to the Town of Orangetown Architecture and Community Appearance Board of Review for review and approval of the landscaping and lighting plan.  
A motion to Override the condition was made and moved by Kevin Garvey and seconded by William Young and carried as follows: Robert Dell, aye; Kevin Garvey, aye; Bruce Bond, aye; Anthony Iurica, absent; Jeffrey Golda, aye; William Young, aye and John Foody, aye.

The foregoing Resolution was made and moved by Bruce Bond and seconded by Kevin Garvey and carried as follows: Bruce Bond, aye; Anthony Iurica, absent; 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 27, 2008**



**TOWN OF ORANGETOWN  
PLANNING BOARD DECISION**

**Blickman Minor Subdivision Plan  
(Jacqueny Subdivision)  
Request for a 2nd 90-Day Extension  
To File the Subdivision Plan  
With the Rockland County Clerk's Office,**

**PB #08-12  
February 27, 2008  
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TO: Robert Prior, Esq.  
17 South Broadway  
Nyack, NY 10960-0205

FROM: Orangetown Planning Board

RE: Requests of Nancy Blickman, Trust by Victoria Jacqueny, Trustee, owners, for a 90 Day Extension to File the "**Blickman Minor 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 15 Sickletown Road, Pearl River, Town of Orangetown, Rockland County, New York and as shown on the Orangetown Tax Map as Section 69.19, Block 1, Lot 25 in the R-40 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held Wednesday, February 27, 2008, at which time the Board made the following determinations:

Robert Prier appeared and testified.

The Board received the following communications:

1. A Project Review Report dated February 20, 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 27, 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 20, 2008.
4. PB #07-21, Final Subdivision Approval Subject to Conditions, dated March 14, 2007,

The Board discussed the request.

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

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

The foregoing Resolution was made and moved by Bruce Bond and seconded by Kevin Garvey and carried as follows: Bruce Bond, aye; Kevin Garvey, aye; Anthony Iurica, absent; 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 27, 2008**

