

**TOWN OF ORANGETOWN PLANNING BOARD  
MEETING OF JANUARY 13, 2010**

**MEMBERS PRESENT:**

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

**MEMBERS ABSENT:** William Young

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

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

**Continued Item from the January 14, 2009 Meeting:**

|                                                                                                     |                                                                 |                  |
|-----------------------------------------------------------------------------------------------------|-----------------------------------------------------------------|------------------|
| <b>Verizon Wireless Communication Plans</b>                                                         |                                                                 | <b>PB #09-04</b> |
| Prepreliminary/Preliminary Site Plan<br>and Special Permit Review<br>78.05/1/10; CS zoning district | <b>Continued:<br/>Hire RF Consultant<br/>and Needs Drainage</b> |                  |

**New Items:**

|                                                                                    |                                             |                  |
|------------------------------------------------------------------------------------|---------------------------------------------|------------------|
| <b>Valley Estates Subdivision</b>                                                  |                                             | <b>PB #10-01</b> |
| Request for Release<br>of the Performance Bond<br>70.09/3/12; R-40 zoning district | <b>Recommended to<br/>to the Town Board</b> |                  |

|                                                                           |                                                               |                  |
|---------------------------------------------------------------------------|---------------------------------------------------------------|------------------|
| <b>St. Thomas Aquinas College Site Plan<br/>– Administration Building</b> |                                                               | <b>PB #10-02</b> |
| Final Site Plan Review<br>74.12/1/29 & 74.16/1/1; R-40 zoning district    | <b>Final Site Plan<br/>Approval Subject to<br/>Conditions</b> |                  |

|                                                                                                                                   |                                  |                  |
|-----------------------------------------------------------------------------------------------------------------------------------|----------------------------------|------------------|
| <b>Ferrante Site Plan<br/>Above Ground Swimming Pool Plans</b>                                                                    |                                  | <b>PB #10-03</b> |
| Critical Environmental Area<br>Prepreliminary/Preliminary/Final Site Plan<br>and SEQRA Review<br>71.09/1/17; R-22 zoning district | <b>Continued:<br/>For Review</b> |                  |

|                                                                                                                       |                                                                                              |                  |
|-----------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------|------------------|
| <b>Orange and Rockland Utilities, Inc. Site Plan</b>                                                                  |                                                                                              | <b>PB #10-04</b> |
| Final Site Plan and Conditional<br>Use Permit Review<br>Corporate Drive Substation<br>73.15/1/19; LIO zoning district | <b>Final Site Plan<br/>Approval Subject<br/>to Conditions and<br/>Conditional Use Permit</b> |                  |

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**January 13, 2010**

**Town of Orangetown Planning Board Meeting**

The decisions of the December 9, 2009 Planning Board Meeting was reviewed, edited and approved. The motion for adoption was made and moved by Bruce Bond and seconded by Kevin Garvey and carried as follows: Robert Dell, aye; Kevin Garvey, aye; Bruce Bond, aye; Jeffrey Golda, aye; John Foody, aye; Andy Stewart, aye and William Young, absent.

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

Since there was no further business to come before the Board, a motion to adjourn the meeting was made by Kevin Garvey and seconded by Bruce Bond and agreed to by all in attendance. The meeting was adjourned at 10:05 p.m. The next Planning Board meeting is scheduled for January 27, 2010.

**DATED: January 13, 2010**

Town of Orangetown Planning Board

**PB #10-01 – Valley Estates Subdivision– Recommended to the Town Board  
Release of the Performance Bond**

**Town of Orangetown Planning Board Decision  
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TO: Edmund Lane, Hegarty Homes, 4 Friar Tuck Lane, Orangeburg,  
New York 10962  
FROM: Orangetown Planning Board  
RE: **Valley Estates Subdivision Plan:** The application of Edmund Lane,  
owner, for a Recommendation to the Town Board regarding the Release of the  
Performance Bond for the “Valley Estates Subdivision”, as established in PB  
#98-208 dated October 28, 1998, in the amount of \$ 320,610.00. The site is  
located on the north side of Erie Street, west of the railroad right of way, Blauvelt,  
Town of Orangetown, Rockland County, New York. Tax Map Numbers: Section  
70.09, Block 3, Lot 12, in the R-40 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held  
**Wednesday, January 13, 2010**, at which time the Board made the following  
determination:

Donald Brenner appeared and testified for the applicant.

The Board received the following communications:

1. Project Review Committee Report dated January 6, 2010.
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 January 13, 2010.
3. Interdepartmental memorandum signed by James Dean, Superintendent,  
Town of Orangetown Highway Department and Ronald Delo, Director,  
Department of Environmental Management and Engineering, dated  
November 20, 2009.
4. PB #98-208, Recommendation to the Town Board to Establish Value of  
Performance Bond, dated October 28, 1998.

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

**RECOMMENDATION:** In view of the foregoing, the Board **Recommended to  
the Town Board to Release the Performance Bond.**

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

**Dated: January 13, 2010**

**Town of Orangetown Planning Board**

**PB #10-02: St. Thomas Aquinas College Site Plan-Final Site  
Plan Approval Subject to Conditions/Administration Building**

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TO: John Atzl; Atzl, Scatassa & Zigler; 234 North Main Street; New City,  
New York 10956  
FROM: Orangetown Planning Board

RE: St. Thomas Aquinas College Site Plan: Application of Joseph Donini, Vice President of Administration, applicant, for St. Thomas Aquinas College, owner, for Final Site Plan Review for a site to be known as "**St. Thomas Aquinas College – Administration Building Site Plan**", in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21A of the Code of the Town of Orangetown. The site is located at 125 Route 340, Sparkill, New York; on the north side of Route 340, 1850 feet east of the intersection of Route 303. Tax Map Numbers: 74.12/1/29 and 74.16/1/1; in the R-40 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, January 13, 2010**, at which time the Board made the following determinations:

John Atzl, Joseph Donini, Anthony Lovino and Sister Margaret Fitzpatrick appeared and testified.

The Board received the following communications:

1. A Project Review Committee Report dated January 6, 2010.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated January 13, 2010.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering, (DEME) Town of Orangetown, signed by Bruce Peters, P.E., dated January 8, 2010.
4. A letter from HDR signed by Harvey Goldberg, P.E., dated January 11, 2010.
5. A letter from the Rockland County Department of Planning, signed by Salvatore Corallo, Commissioner of Planning, dated December 15, 2009.
6. A letter from Rockland County Department of Highways, signed by Joseph Arena, Principal Engineering Technician, dated January 5, 2010.
7. A letter from Rockland County Drainage Agency, signed by Edward Devine, Executive Director, dated January 12, 2010.

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8. Letters from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated November 24, 2009.
9. A letter from the New York State Department of Transportation, signed by Mary Jo Russo, Rockland County Permit Engineer, dated December 17, 2009.
10. A copy of an E-mail from Natalie Browne, New York State Department of Environmental Conservation, dated October 20, 2009.
11. A Stormwater Management Report and Underground Drainage System Design Report prepared by Ray Ahmadi, Ph.D., P.E., dated May 26, 2009, revised November 4, 2009.
12. Site Plans prepared by Atzl, Scatassa & Zigler, P.C., April 10, 2009, revised November 4, 2009:
  - Drawing 1: Overall Existing Condition Plan
  - Drawing 2: Overall Existing Condition Plan
  - Drawing 3: Administration Building Site Plan
  - Drawing 4: Administration Building Grading Plan
  - Drawing 5: Administration Building Sewer Profile Plan
  - Drawing 6: Administration Building Erosion Control Plan
  - Drawing 7: Administration Building Detail Sheet
  - Drawing 8: Administration Catch Basin Details
13. Copies of ACABOR #09-33, Approved with Conditions, dated October 20, 2009 and PB #09-43, Preliminary Site Plan Approval Subject to Conditions, dated September 30, 2009.

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

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

**PB #10-02: St. Thomas Aquinas College Site Plan-Final Site Plan Approval Subject to Conditions/Administration Building**

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1. The applicant shall comply with all pertinent and applicable conditions of all previous Board Decisions: ACABOR #09-33, Approved with Conditions, dated October 20, 2009 and PB #09-43, Preliminary Site Plan Approval Subject to Conditions, dated September 30, 2009.
2. The Site Plan shall be signed and sealed by both a Professional Land Surveyor and a Professional Engineer.
3. 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."
4. 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. Full Environmental
5. A post construction stormwater maintenance agreement (in accordance with NYSDEC Phase II regulations) for the proposed stormwater system 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 schedules, inspection check lists, contact person with telephone number, yearly report to be submitted to DEME, etc.
6. The removal of Marion Hall will require a Demolition Permit.
7. The revised SWPPP provided is under review by DEME.
8. In its previous appearance before the Board on September 30, 2009, the Applicant proposed an open detention basin in accordance with NYSDEC regulations, along with two proposed onsite storm sewer/swale systems to direct storm water runoff to the basin. Upon review of that plan, the Planning Board's Drainage Consultant recommended acceptance for drainage subject to several conditions. In the latest submittal, the Applicant has eliminated the open detention basin, and is proposing an underground storage infiltration system. Accordingly, the Drainage Consultant's recommendation for acceptance of the open detention basin system is rescinded.

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The proposed facilities include 120-LF of 60-in perforated storage pipe in a stone surround preceded by 40-LF of 60-in pipe as a pre-treatment unit. The plans include numerous details and sections. A revised drainage report (Revision No. 2 dated November 4, 2009) has been provided.

**Upon review of the current submittal, the Planning Board's Drainage Consultant believes that the proposed stormwater management plan can be revised to achieve a zero net increase in runoff rate from the developed site. Accordingly, the Consultant recommends acceptance for drainage subject to the following conditions:**

- All structures (e.g. catch basins, manholes, structures, etc) shall be consistently numbered on all sheets.
- Provide longitudinal and transverse sections through the pre-treatment pipe, drawn to scale. The longitudinal section shall also show the inlet structure, inlet pipe and the outlet pipe.

Provide calculations for sizing each proposed storm sewer. All storm sewers must be designed for a 25-yr storm without surcharging in the pipes or structures. They must also be designed for a 100-yr storm as well. In the 100-yr design, the drainage consultant allows surcharging in the pipes and at structures, provided there is a minimum 12" freeboard at all structures (i.e. maximum water level must be a minimum of 12-in below the rim. The calculations must use the appropriate 25-yr or 100-yr tailwater elevation.

Provide profiles on the plans for ALL proposed storm drains. Show the hydraulic grade line for each length of pipe and the 100-yr water levels at each structure. Show all utility crossings to avoid conflicts during construction.

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Sheet 7 includes a detail of the Outlet Control Structure (OCS#1). The Drainage Consultant found this detail to be inadequate. This Detail must be redrawn to scale, and shall include plan and sectional views showing the correct orientation of all connected pipes. The detail must show all dimensions, elevations, etc that will permit construction. The structure shall not be smaller than a standard catch basin (i.e. 48-in by 30-in minimum inside).

Provide a detail of the Inlet Structure drawn to scale. The detail shall include plan and sectional views showing the correct orientation of all connected pipes. The detail must show all dimensions, elevations, etc that will permit construction. The structure shall not be smaller than a standard catch basin (i.e. 48-in by 30-in minimum inside).

Provide a detail of the existing catch basin on the existing 18-in CMP, into which the two proposed storm sewers will be connected. The detail shall be drawn to scale and shall include plan and sectional views showing the correct orientation of all connected pipes. The detail must show all dimensions, elevations, etc that will permit construction.

The two proposed storage pipes must be interconnected on the bottom of the pipes at the invert elevation. Provide appropriate details as needed to show how the connection will be constructed.

Provide filter fabric on all four sides and the top of the infiltration trench to prevent adjacent soil from migrating into the stone voids.

Provide two 6-in observation wells in the infiltration trench at diagonally opposite ends. The observation wells shall be in accordance with NYS Stormwater Management Design Manual Figure K-4.

Provide a minimum of one 24-in access manhole on each of the two 60-in storage pipes. Provide an appropriate detail showing dimensions, elevations and materials required for construction.

The outlet pipe from the pre-treatment pipe to the storage pipe is shown on the plan with a bend. Bends are not recommended on gravity lines. A catch basin or manhole shall be provided at all changes of direction on gravity lines.



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The Grading Plan, Sheet 4, shows two roof drain connections from the east side of the proposed building connected to the stormwater management system. How will the roof drains from the west side of the building be connected? The plan must show how/where ALL roof drains will be connected.

Test pit(s) shall be dug at the site of the proposed infiltration trench to a depth 3.0-ft below the bottom of the trench to confirm the absence of rock and/or seasonal high groundwater. Percolation tests shall be conducted by the Applicants Engineer to determine the soil infiltration rate at the bottom of the trench. If necessary, the proposed design (plans and calculations) shall be revised in accordance with the findings of these tests.

Maintenance responsibility for the stormwater management system including the pre-treatment pipe and storage pipes shall be vested with a responsible authority by means of a legally binding and enforceable maintenance agreement that is executed as a condition of plan approval. Maintenance shall include the periodic flushing and removal of sediment from the pre-treatment and storage pipes. Provisions shall be included in the design to allow for this routine maintenance.

Additional conditions may be added based on response to the above conditions.

**9.** Copies of all correspondence, including any and all approvals with the New York State Department of Environmental Conservation, U.S. Army Corps. of Engineers, the Rockland County Drainage Agency, etc., in connection with this plan shall be supplied to the Planning Board and DEME, prior to signing of the map.

**10.** The Rockland County Drainage Agency's (RCDA) has previously reviewed the proposal and it was determined that the site is within the jurisdiction of the RCDA. Based on a review of the materials submitted, the RCDA offers the following comments:

- (1)** The permit application submitted indicates that the current proposal is for the construction of a new Administration building and access road with parking. However, the project drawings and calculations indicate that the current proposal also includes the demolition of the existing Marion Hall building with Chapel and associated site re-grading. The applicant shall provide a revised permit application to the RCDA that indicates the entire scope of work for the project consistent with the project drawings and calculations signed and dated by the property owner or an officer of the company.

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

- (2) Delineate the 100-year floodplain boundary on the plans and include the 100-year floodplain elevation of the Sparkill Creek at its nearest point to the project. The floodplain information requested may be included on the "Overall Existing Condition Plan, Drawing No:2.
- (3) The "Figure S-1: Cross Sectional Profile of Infiltration Trench System of System #1" details shown in "Details Sheet" drawing does not appear to indicate the required filter fabric at the interface of the stone and soil to prevent soil migration. Provide filter fabric material at the interface of the stone and soil and also indicate the stone size in the infiltration trench.
- (4) The project drawings submitted indicate that the total disturbance area for the proposed project is more than one acre. In accordance with Figure 3.1 of the New York State Stormwater Management Design Manual (NYSSMDM), the applicant must provide a full Stormwater Pollution Prevention Plan (SWPPP). The applicant shall provide the RCDA with a full SWPPP, signed and stamped or sealed by a Professional Engineer licensed in the State of New York.
- (5) In accordance with Section 6.3.6 of the NYSSMDM, every infiltration trench shall have observation wells. In addition, every infiltration trench shall also have direct access to infiltration practices for maintenance. However, the "Figure S-1: Cross Sectional Profile of Infiltration Trench System of System#1" details shown in "Detail Sheet" drawing do not indicate any inspection ports or maintenance access for the treatment and pre-treatments structures. Review and revise as necessary.
- (6) In accordance with Section 6.3.2 of the NYSSMDM, if stormwater runoff is delivered by a storm drain pipe or along the main conveyance system, the infiltration practice must be designed as an off-line practice. Contrary to this, the proposed trench appears to be designed as an in-line practice. Review and revise the design as necessary.
- (7) The "Administration Building Grading Plan" drawing appears to indicate that the stormwater runoff from the proposed construction would be conveyed into a pre-treatment chamber, 6-inch solid ADS pipe, through "DS#1." Also, the "Stormwater Management Report & Water Quality and Quantity System Design" report indicates that an "Oil-Water Separator" will be used instead of the required forebay for pre-treatment. However, the project drawings do not include any detail for the proposed pre-treatment chamber/oil water separator. Provide a detail for the proposed pre-treatment chamber/"Oil-Water Separator" and diversion structure details on the project drawings.
- (8) Provide stormwater conveyance calculations demonstrating that the conveyance system has adequate capacity.
- (9) Page 26 of the "Stormwater Management Report & Water Quality and Quantity System Design" report indicates that the minimum infiltration rate considered for the proposed pre-treatment volume calculations is 1-inch in 30 minutes. Provide infiltration test data that confirms the soil infiltration rate at the location of the proposed infiltration trench.

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

- (10) Routine maintenance will be required by the applicant in order to ensure proper functioning of the proposed "Infiltration Trench System" Provide a statement describing in sufficient detail the complete maintenance activities and schedule required for the removal of accumulated debris, sediment and pollutants from the proposed stormwater management system. The maintenance plan must meet the requirements included in Section 6.1.6 and Appendix E of the NYSSMDM. In addition, provide written documentation stating that the applicant understands and accepts the responsibility to maintain the proposed infiltration trench system pursuant to NYSSMDM guidelines.
- (11) In accordance with SPDES General Permit requirements for Stormwater Discharges, GP-0-08-001 with effective date May 1, 2008, page 6 of 40, the owner of operator shall have the "MS4 SWPPP Acceptance" form signed by the Executive Officer or ranking elected official from the regulated, traditional land use control MS4. Provide a copy of the **"MS4 SWPPP Acceptance" form signed by the Supervisor of the Town of Orangetown.**
- (12) Provide a copy of the acknowledgement letter from the New York State Department of Environmental Conservation indicating that the applicant has filed its Notice of Intent that includes a "SWPPP Preparer Certification Statement" for Stormwater Compliance.
- (13) Provide the certification issued by the Floodplain Administrator of the Town of Orangetown stating that the proposed construction is in compliance with Chapter 14B, "Flood Damage Prevention", Town of Orangetown Town Code, as adopted by the Town of Orangetown.
- (14) The "Overall Existing Condition Plan", Drawing No: 1, and "Overall Existing Condition Plan", Drawing No: 2, both indicate the limits of a mapped U.S. Army Corps of Engineers wetland as staked by Robert G. Torgersen, Landscape Architect. Permits and approvals for the proposed project may be required from the U.S. Army Corps of Engineers. Provide the RCDA with a copy of the jurisdictional determination letter and/or permit issued by the U.S. Army Corps of Engineers regarding the proposed project. Provide copies of any future correspondence submitted to or provided by the U.S. Army Corps of Engineers regarding the proposed project.
- (15) All drawings and calculations submitted in support of the application must be signed and stamped or sealed by a Professional Engineer or a Registered Architect licensed in the State of New York. All requested information must be provided to RCDA in triplicate.

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

As indicated in the June 16 and August 17, 2009 letters from the Rockland County Drainage Agency, a permit will be required from this agency.

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

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.

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

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 Villages, Towns, and County with an adequate supply of water. A letter from the public water supplier, stamped and signed by a NYS licensed professional engineer, shall be issued to the municipality for this project, certifying that there will be sufficient water supply during peak demand periods and in a drought situation.

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

A landscaping plan must be provided for the proposed new building.

The parking for this new building must be shown on the Site Plan. If existing parking is to serve this building, then the location of the parking associated with this building must be illustrated to ensure that there is sufficient parking in the vicinity and to prevent parking along driveways or the State highway. Since this is to be an administration building, nearby guest parking shall be considered. At a minimum, handicapped parking shall be provided adjacent to the building.

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**12.** Based upon the plans and information provided for the project, the Rockland County Department of Highways found that the required action will have a de minimus impact to County Roads in the area.

**13.** Application is to be made to Rockland County Department of Health (RCDOH) for review of the storm water management system for compliance with the County Mosquito Code. Applicant's engineer shall contact Brian Hunderfund.

**14.** New York State Department of Transportation (NYSDOT) reviewed the plans and do not have any comments at this time. If the applicant plans to do any work along the right of way including repaving, landscaping or regarding, a highway work permit will be required.

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

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

**17. 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.

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**18.** 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.

**19.** 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.

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

**21.** 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).

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

**23.** 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

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

The foregoing Resolution was made and moved by Robert Dell and seconded by John Foody and carried as follows: Robert Dell, aye; Bruce Bond, aye; Andy Stewart, aye; William Young, absent; 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: January 13, 2010  
Town of Orangetown Planning Board**

**PB #10-05: Orange and Rockland Utilities, Inc. Site Plan – Corporate Drive Substation Final Site Plan Approval Subject to Conditions and Conditional Use Permit**

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TO: Anthony Montalbano, Esq., 67 North Main Street, New City,  
New York 10977

FROM: Orangetown Planning Board

RE: **Orange and Rockland Utilities, Inc. Site Plan – Corporate Drive**

**Substation:** Application of Orange and Rockland Utilities, Inc., applicant for Verizon Wireless, LLC, owner (Anthony Montalbano, attorney for the applicant) for Final Site Plan Review and a Conditional Use Permit for a site to be known as **“Orange and Rockland Utilities, Inc. Site Plan – Corporate Drive Substation”**, in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21 of the Code of the Town of Orangetown and to determine the environmental significance of the application pursuant to the requirements of the New York State Environmental Quality Review Act. The site is located at 2000 Corporate Drive, Orangeburg, New York. Tax Map Numbers: 73.15/1/19; in the LIO zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, January 13, 2010**, at which time the Board made the following determinations:

Anthony Montalbano, Peter McGoldrick, and Chuck Utschig appeared and testified.

1. Project Review Committee Report dated January 6, 2010.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated January 13, 2010.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated January 8, 2010.
4. A letter from McLaren Engineering Group, signed by Steven Grogg, P.E., Site-Civil Division Chief, dated January 5, 2010.
5. A letter from the Rockland County Department of Planning, signed by Salvatore Corallo, Commissioner of Planning, dated January 11, 2010.
6. A letter from Rockland County Highway Department, signed by Joseph Arena, Principal Engineering Technician, dated December 31, 2009.

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7. A letter from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated December 9, 2009.
8. Copies of ACABOR #09-42, Approved with Conditions, dated December 1, 2009, ZBA #09-75, Performance Standards Variance Approved, dated November 4, 2009, ZBA #09-74, Front Yard and Building Height Variances Approved, dated November 4, 2009 and PB #09-26, Preliminary Site Plan Approved Subject to Conditions/Neg. Dec., dated September 16, 2009.
9. Full Environmental Assessment Form signed by W. Charles Utschig, Jr., dated December 1, 2009, responding to Preliminary Comments.
10. Site Plans prepared by CMX, signed by Charles Tschig, P.E.:
  - Sheet 1: Title Sheet, dated June 1, 2009, revised November 30, 2009
  - Sheet 2: Existing Conditions, dated June 1, 2009, revised October 30, 2009
  - Sheet 3: Amended Site Plan, dated June 1, 2009, revised November 30, 2009
  - Sheet 4: Layout/Utility Plan, dated June 1, 2009, revised November 30, 2009
  - Sheet 5: Grading Plan, dated June 1, 2009, revised October 30, 2009
  - Sheet 6: Erosion/Sediment Control Plan, dated June 1, 2009, revised November 30, 2009
  - Sheet 7: Sections and Details, dated June 1, 2009, revised October 30, 2009
  - Sheet 8: Details, dated June 1, 2009, revised October 30, 2009
  - Sheet 9: Electric Plan, dated June 1, 2009, revised November 13, 2009
  - Sheet 10: Electric Elevations, dated June 1, 2009, revised November 13, 2009
  - Sheet 11: Electric Elevations, dated June 1, 2009, revised November 13, 2009
  - Sheet 12: Planting Plan, dated June 1, 2009, revised November 4, 2009
11. Architectural Elevations prepared by Orange and Rockland Utilities, dated November 17, 2009.
12. Precast Screening Wall Plan Design Plan, prepared by Superior Cobblestone, dated November 5, 2009
13. E-mails submitted by Marvin S. Baum, Baum Image Group, Inc.:
  - Con Edison Substation Oil Spills & Additional Information on O&R Substation in Ramapo and Clarkstown, dated December 14, 2009
  - "Surprise" Plans from O&R for Clarkstown, Orangetown & Ramapo, dated December 14, 2009, and
  - O&R Residential Ratepayers to Subsidize Large Commercial Customers including Ticon Expansion, dated December 15, 2009
  - Pascack Road (Burns) Substation & Dramatic Fox News Video of Con Ed Substation Burning, dated December 17, 2009
  - Answers on SEQRA for Line 702 System Upgrades in Orangetown, Clarkstown, Ramapo and Old Tappan, dated December 18, 2009
  - ECI Retained by Con Edison, dated January 5, 2010
  - Unbelievable News About the PSC's Garry A. Brown & David Morrell.



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**Public Comments:**

Marvin S. Baum, 19, Rennert Lane, Bardonia, New York, raised concerns regarding Orange & Rockland's plans for multiple upgrades in Rockland County. He questioned the Board if the Corporate Drive site was being reviewed as a single project or as part of a larger project scope of work. Mr. Baum suggested looking into the impact of the location of the site on nearby water source and possible contamination of the water.

Melody Fiore, 99 Hunt Road, expressed concerns regarding contamination of the ground water due to the development of the site.

Leslie Whatley, 6 Buckingham Court, Old Tappan, New Jersey; requested that Verizon and Orange and Rockland Utilities place sound attenuation panels on the facilities at a cost of \$50,000.00. She also requested information regarding the project construction schedule, when the wall would be constructed and the associated landscaping would be completed.

The hearing was then opened to the Public. There being no one to be heard from the Public, a motion was made to close the Public Hearing portion of the meeting by Kevin Garvey and seconded by John Foody and carried as follows:

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

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

1. The following note shall be placed on the Site Plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a Pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a Meeting."
2. 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. All plans submitted for a building permit shall be signed and sealed by a New York State Licensed Professional Engineer.

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4. The applicant shall comply with all pertinent and applicable conditions of all previous Board Decisions: ACABOR #09-42, Approved with Conditions, dated December 1, 2009, ZBA #09-75, Performance Standards Variance Approved, dated November 4, 2009, ZBA #09-74, Front Yard and Building Height Variances Approved, dated November 4, 2009 and PB #09-26, Preliminary Site Plan Approved Subject to Conditions/Neg. Dec., dated September 16, 2009.

5. The revised Full Environmental Assessment Form appears to be in order.

6. A post construction stormwater maintenance agreement (in accordance with NYSDEC Phase II regulations) for the proposed stormwater systems shall be submitted the DEME and the Town of Orangetown Town Attorney's Office for review and approval Said agreement shall include a maintenance and management schedule, inspection check list, contact person with telephone number, yearly report to be submitted to DEME, etc.

7. A note shall be added to the Site Plan indicating the source benchmark for the referenced datum, including the BM elevation.

8. The metes and bounds for all existing and proposed easements, as well as ownership, shall be labeled on the Site Plan.

9. McLaren Engineering, the Planning Board Drainage Consultant comment letter dated June 29, 2009 and the current letter dated January 5, 2010, recommends approval with regards to site drainage subject to the comments noted. Below each comment is individual addressed and indicated adequacy of the applicant's response.

(1) Provide calculations that a two (2) feet wide dry swale will provide the necessary surface area for the water quality filtering and fulfill the conveyance requirements outlined in Section 6.5.2 of the New York State Stormwater Design Manual. In addition, the depth of ground water shall be field verified as per Section 6.5.1 of the New York State Water Design Manual. In addition, the depth of ground water shall be field verified as per section 6.5.1 of the New York State Storm Water Design Manual.

**Neither calculations of the swale capacity nor the results of test pits were provided.**

(2) Revise the detail for the dry swale to have a total of 12 inches depth of gravel at the bottom of the trench (cold weather area), specify the gravel size, and clearly delineate filter fabric at the boundaries of all material changes.

**This comment has been satisfied.**

(3) The size, material, and inverts of all pipes shall be called out on the Utility Plans. This shall include underdrains, trench drains, and connections to existing drains.

**This comment has been satisfied.**

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**Continuation of Condition #9.....**

**(4)** Provide spot grade elevations on the grading plan for the basin's 100-year weir, the bottom of the fore bay, bottom of the main basin and other important elevations to provide enough guidance for a contractor to construct the basin property.

**This comment has been satisfied.**

**(5)** Verify the pipe slope is sufficient to convey water from the sedimentation basin underdrain to the existing catch basin.

**It is not possible to determine if this has been addressed.**

**The applicant shall indicate pipe inverts for the existing pipe and structures that the proposed system is connecting.**

**(6)** The proposed dry laid stonewall varies in height to a maximum of 14.5 feet. This will require certification by a New York State Professional Engineer. The base width of the wall, because of the height, may move the limit of disturbance westward thus requiring additional removal or protection of trees. Confirm the limit of disturbance line in this area.

**This comment has been satisfied.**

**(7)** Provide details and calculations to show verification that the drainage system/swale proposed to the West of the retaining wall can capture and convey the upstream runoff from West of the retaining wall. This shall include all onsite and off site areas that contribute to the swale.

**Calculations were not submitted.**

**(8)** Provide the table of dimensions and material size for the riprap aprons. Consider specifying a uniform riprap size to avoid confusion during construction.

**This comment has been satisfied.**

**(9)** Provide an underdrain detail on the plans.

**This comment has been satisfied.**

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**Continuation of Condition #9.....**

(10) Call out the location of the Oil Containment Sumps. Verify that the slope called for in the detail is consistent with the inverts indicated on the drawings. In addition, a plan of routine maintenance and testing for these Sumps shall be developed, maintained by the Applicant, and available when requested by local and state authorities.

**The locations of the Oil Containment Sumps have been indicated. Applicant shall indicate if maintenance and testing data has been provided to the satisfaction of the Town Building Inspector.**

(11) Provide soil erosion notes to address sequencing general notes on maintenance and installation instructions of soil erosion control measures.

**This comment has been satisfied.**

(12) The dimensions and riprap placement of the drainage swale detail (Page 8) shall be revised to show riprap on the 2:1 side slopes and the appropriate stone sizing. Confirm that the swale will convey the 100-year runoff to the basin without creating erosion.

**This comment has been satisfied.**

(13) The plans shall show any associated construction beyond the switchgear area, such as utility poles, underground duct banks, etc. The plan shall indicate any disturbance associated with such construction.

**This comment has been satisfied.**

**The final SWPPP must be submitted with a completed NOI and MS4 Acknowledgement Form the SWPP must include all final calculations, including those noted above.**

10. Based upon the plans and information provided for the project, the Rockland County Department of Highways found that the required action will have a de minimus impact to County Roads in the area. A Rockland County Highway Department Road Opening Permit will be required for any underground transmission lines that require disruption to the paved surface of the County Roadways; Veterans Memorial Drive and Blaisdell Road.

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**11.** 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. However, the site appears to be located within mapped federal wetlands. The RCDA suggests that the U.S., Army Corps of Engineers be contacted and requested to make a jurisdictional determination regarding the proposed activity.

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

Referrals for review are to include inter-community and county-wide considerations in respect to compatibility with various land uses with one another; protection of community character as regards predominate land uses, population density, and the relation between residential and nonresidential areas; drainage; community facilities; official municipal and county development policies (as may be expressed through comprehensive plans, capital programs or regulatory measures); and such matters as may relate to the public convenience, to governmental efficiency, and to the achieving and maintaining of a satisfactory community environment. In addition, Section 239 –nn was recently enacted to encourage the coordination of land use development and regulation among adjacent municipalities, so that as a result development occurs in a manner that is supportive of the goals and objectives of the general area. A review shall be requested from the Borough of Old Tappan and any of their concerns regarding the areas of countywide concern, which directly impact the Borough of Old Tappan, must be considered and satisfactorily addressed.

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

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

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

**13.** Application is to be made to the Rockland County Department of Health for review of the Stormwater Management System for compliance with the County Mosquito Code.

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**14.** The following note shall be placed on the Site Plan:

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

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

One (1) foot radius from trunk per inch DBH

Drip line of the Tree Canopy

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

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

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

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

**15.** All landscaping shown on the 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.

**16.** Prior to the commencement of any site work, including the removal of trees, the applicant shall install the soil erosion and sedimentation control as required by the Planning Board. Prior to the authorization to proceed with any phase of the site work, the Town of Orangetown Department of Environmental Management and Engineering (DEME) shall inspect the installation of all required soil erosion and sedimentation control measures. The applicant shall contact DEME at least 48 hours in advance for an inspection.

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- 17.** The contractor's trailer, if any is proposed, shall be located as approved by the Planning Board.
- 18.** If the applicant, during the course of construction, encounters such conditions as flood areas, underground water, soft or silty areas, improper drainage, or any other unusual circumstances or conditions that were not foreseen in the original planning, such conditions shall be reported immediately to DEME. The applicant shall submit their recommendations as to the special treatment to be given such areas to secure adequate, permanent and satisfactory construction. DEME shall investigate the condition(s), and shall either approve the applicant's recommendations to correct the condition(s), or order a modification thereof. In the event of the applicant's disagreement with the decision of DEME, or in the event of a significant change resulting to the subdivision plan or site plan or any change that involves a wetland regulated area, the matter shall be decided by the agency with jurisdiction in that area (i.e. Wetlands - U.S. Army Corps of Engineers).
- 19.** Permanent vegetation cover of disturbed areas shall be established on the site within thirty (30) days of the completion of construction.
- 20.** Prior (at least 14 days) to the placing of any road sub-base, the applicant shall provide the Town of Orangetown Superintendent of Highways and DEME with a plan and profile of the graded road to be paved in order that these departments may review the drawings conformance to the approved construction plans and the Town Street Specifications
- 21.** The Planning Board shall retain jurisdiction over lighting, landscaping, signs and refuse control.
- 22.** The applicant shall comply with all pertinent and applicable items in the Guide to the Preparation of Site Plans, prior to signing the final plans.
- 23.** All reviews and approvals from various governmental agencies must be obtained prior to stamping of the Site Plan.

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

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**DECISION: In view of the foregoing and the testimony before the Board, the application was GRANTED A CONDITIONAL USE PERMIT, subject to Final Site Development Plan Approval and any conditions thereof. The Board made the following Findings and Comments:**

The proposed use, size and character is in harmony with the development in the district in which it is proposed to be situated and will not be detrimental to the zoning classification of such properties.

The proposed location and size of the use, nature and intensity of operations involved, and the site layout in relation to access streets will not be hazardous to pedestrian or vehicular traffic.

The proposed location and height of the building and landscaping will not hinder or discourage development or use of adjacent land and buildings.

The proposed use will not require additional public services or create fiscal burdens upon the Town of Orangetown greater than those which characterize uses permitted by right.

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

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

**Dated: January 13, 2010  
Town of Orangetown Planning Board**