

**TOWN OF ORANGETOWN PLANNING BOARD
MEETING OF JANUARY 27, 2010**

MEMBERS PRESENT:

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

MEMBERS ABSENT: None

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

Bruce Bond, Chairperson called the meeting to order at 7:30 P.M. Mr. 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 December 9, 2009 Meeting:

Crestron Electronics Site Plan Prepreliminary/Preliminary Site Plan and Conditional Use Permit Review 77.05/1/36 & 37; LIO zoning district	Preliminary Site Approval subject to Conditions	PB #09-11
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155 Corporate Drive Site Plan Prepreliminary/Preliminary Site Plan and SEQRA Review 73.15/1/18 and 73.19/1/1, LIO zone	Postponed to February 24th Meeting	PB #10-06
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Continued Item from the December 9, 2009 Meeting:

SMK Tweed Boulevard Site Plan Prepreliminary/Preliminary Site Plan and SEQRA Review Critical Environmental Area 71.09/1/54; R-22 zoning district	Preliminary Site Approval subject to Conditions Neg. Dec.	PB #09-62
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A motion was made to elect Kevin Garvey as Vice-Chairperson of the Planning Board. The motion was made by Bruce Bond and second by Jeffrey Golda 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, aye.

The decisions of the January 13, 2010 Planning Board Meeting was reviewed, edited and approved. The motion for adoption was made and moved by Kevin Garvey and seconded by Jeffrey Golda and carried as follows: Robert Dell, aye; Kevin Garvey, aye; Bruce Bond, aye; Jeffrey Golda, aye; John Foody, aye; Andy Stewart, aye and William Young, aye.

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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 9:00 p.m. The next Planning Board meeting is scheduled for February 10, 2010.

**DATED: January 27, 2010
Planning Board Town of Orangetown**

PB #09-11 – TOWN OF ORANGETOWN PLANNING BOARD DECISION

Crestron Electronics Site Plan; Preliminary Site Plan Approval Subject to Conditions

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TO: Steven Grogg, P.E., McLaren Engineering Group, 100 Snake Hill Road, West Nyack, New York 10956

FROM: Orangetown Planning Board

RE: The application of 280 – 282 Orangeburg Road, LLC, owner, for Prepreliminary/Preliminary Site Plan and Conditional Use Permit Review at a site to be known as “**Crestron Electronics Site Plan and Conditional Use Permit**”, 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 south side of Ramland Road South 1,200 feet south of the intersection of Ramland Road, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 77.05, Block 1, Lots 36 & 37 in the LIO zoning district.

Heard by the Planning Board of the Town of Orangetown at meetings held **February 25, May 27, July 22, September 30 and December 9, 2009 and January 27, 2010**, at which time the Board made the following determinations:

February 25, 2009

Steven Grogg, Daniel Feldstein, William Glaner and Terry Rice appeared and testified.

The Board received the following communications:

1. A Project Review Committee Report dated February 18, 2009.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated February 25, 2009.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering, (DEME) Town of Orangetown, signed by Bruce Peters, P.E., dated February 19, 2009.
4. A letter from HDR, dated February 22, 2009, signed by Harvey Goldberg, P.E.,
5. Letters from the Rockland County Department of Planning, signed by Eileen Miller, dated February 20, 2009 and Salvatore Corallo, Commissioner of Planning, dated February 23, 2009.
6. A letter from Rockland County Department of Highways, signed by Sonny Lin, P.E., dated February 19, 2009.
7. A letter from Rockland County Drainage Agency, signed by Edward Devine, Executive Director, dated January 27, 2009.
8. A letter from Rockland County Sewer District #1, signed by Joseph LaFiandra, Engineer II, dated February 18, 2009.

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9. Letters from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated January 26 & 27, 2009.
10. An interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by Michael B. Bettmann, Chief Fire Inspector, dated February 3, 2009.
11. A letter from United Water Suez, signed by Janet A. Gonzalez, New Business Department, dated February 9, 2009.
12. A letter from the New York State Department of Environmental Conservation, Division of Environmental Permits, Region 3, signed by Ellen M. Hart, Environmental Analyst, dated February 11, 2009, with an attachment of dated of a map of the site.
13. A letter from McLaren Engineering Group, signed by Steven Grogg, P.E., dated January 21, 2009, with the following attachments; a drawing list and a copy of the Building Permit Denial.
14. A Full Environmental Assessment Form signed by Steven Groff, P.E., Chief Site – Civil Division, McLaren Engineering Group, undated.
15. A Stormwater Pollution Prevention Plan, prepared by McLaren Engineering Group, dated January 2009.
16. Submitted at the meeting by Ed Felix, a letter signed by Erick Balce, 12 Tory Circle, Tappan, New York, an abutting property owner, dated February 24, 2009.
17. Plans prepared by McLaren Engineering Group, dated January 16, 2009:
 - C-001: Cover Sheet
 - C-002: Existing Conditions Map
 - C-100: Overall Site Plan
 - C-101: Site Plan
 - C-102: Site Plan
 - C-103: Phasing Plan
 - C-201: Grading Plan
 - C-202: Grading Plan
 - C-301: Utility Plan
 - C-302: Utility Plan
 - C-401: Soil Erosion and Sediment Control Plan
 - C-501: Details
 - C-502: Details
 - C-601: Lighting Plan
 - S-1: Preliminary Subdivision Plan

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

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Public Comments

Mellissa Stone, 35 Constitution Road, raised questions regarding the type of vegetative buffer along the eastern side of the site. She requested information regarding the proposed landscaping plan for the site and requested information regarding the elevations and height of the proposed structure.

Terry Wolff, 11 Constitution, Road, raised concerns regarding traffic impact to the surrounding area, hours of operation and illumination of the site. He noted that the intersection of Blaisdell and Orangeburg Roads is currently a very dangerous.

Beth DeCoursey, 9 Tory Circle, expressed concerns regarding the depiction of the site in the photographs presented at the meeting, that they do not represent the current situation. She wanted to know the proposed height of the structure and if any environmental studies were submitted.

Ed Felix, 12 Tory Circle, submitted a letter, signed by Erick Balce, dated February 24, 2009, and read the letter into the record. Mr. Felix object to the development, noting that it is currently inhabited with wildlife and development would increase noise, traffic and pollution to the neighborhood. He noted that his property would decrease in value due to the placement of the development of the site and that the proposed development would disturb the suburban quality of the area.

Rudy Depuy, 1 Tory Circle, raised concerns regarding the maintenance of the site and the vegetative buffer. He wanted to know if there would be a noise study completed for the proposed uses.

John Rutledge, 30 Gaze Court, raised concerns regarding noise and lights at night and believed that the Board should address those concerns.

Bob Scozzafava, 29 Longview Court, Old Tappan, New Jersey, raised concerns regarding the future hours of operations of the business. He asked if the operations of the site would be using the access road through New Jersey. Mr. Scozzafava requested clarification regarding the number of loading docks proposed for Phase I and Phase II of the buildings. He discussed the insufficient landscaping on site, and the potential for noise from the truck bays.

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Lloyd Aamonson, 21 Longview Court, Old Tappan, New Jersey, express concerns regarding the extent of the vegetative buffer. He wanted to know how the electrical utilities will serve the site.

Jonathan Vogel, owner of Ma-Tov Day Camp, an abutting property owner, raised serious concerns regarding the extent of the proposed view of the site and the impact to the campers and families using his property. Mr. Vogel requested that the developer plant denser vegetation along their shared property line in order to hide the parking area and loading docks. He also raised concerns regarding the drainage impact to his property.

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

May 27, 2009

Steven Grogg, Daniel Feldstein, Brad Meumann and Terry Rice appeared and testified.

The Board received the following communications:

1. A Project Review Committee Report dated May 20, 2009.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated May 27, 2009.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering, (DEME) Town of Orangetown, signed by Bruce Peters, P.E., dated May 20, 2009.
4. A letter from HDR signed by Harvey Goldberg, P.E., dated May 22, 2009.
5. A letter from the Rockland County Department of Planning, signed by Salvatore Corallo, Commissioner of Planning, dated May 26, 2009.
6. A letter from the Rockland County Department of Health signed by Scott McKane, P.E. Senior Health Engineer, dated April 29, 2009.
7. A copy of from Sam Vogel, Ma-Tov Camp, an abutting property owner to John Giardiello, P.E., Director, Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, undated.
8. Plans prepared by McLaren Engineering Group, dated January 16, 2009, revised April 14, 2009:

S-1: Preliminary Subdivision Plan

- C-001: Cover Sheet
- C-002: Existing Conditions Map
- C-100: Overall Site Plan
- C-101: Site Plan
- C-102: Site Plan
- C-103: Phasing Plan
- C-201: Grading Plan
- C-202: Grading Plan
- C-301: Utility Plan

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- C-302: Utility Plan
 - C-401: Soil Erosion and Sediment Control Plan
 - C-501: Details
 - C-502: Details
 - C-601: Lighting Plan
9. Landscaping Plans prepared by Land Concepts, dated January 14, 2009, revised April 14, 2009:
- L-1 of 2: Planting Plan – Phase I
 - L-2 of 2: Planting Plan – Phase II
10. Architectural Plans prepared by Elkin/Sobolta & Associates, dated December 12, 2008:
- A-1: Floor Plan
 - A-2: Elevations

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

PUBLIC COMMENTS:

Donald Brenner, attorney for Ma-Tov Day Camp, abutting property owner, read into the record from a report regarding the hazardous environmental condition on the property. Mr. Brenner requested that the site contain a cul – de - sac, as required for dedication of Ramland Road as a Town road. He also noted that Part II of the Environmental Impact Statement needed to be submitted and that the applicant should submit a noise and odor studies, as well as a traffic study in order to complete a full review of the site. Finally, he noted that the Collins Traffic study did not consider full occupancy of the areas buildings and the traffic study was not representative of area traffic on the roadways. Mr. Brenner noted that there was a Bond placed for the roadway and the roadway was built to Town specification, however, the Bond was released, now it requires the Turn around at the end of the roadway in order to be dedicated.

Sam Vogel, Ma-Tov Day Camp, raised concerns regarding the impact of the development on drainage on this property. Mr. Vogel noted that the Town Building Department placed a violation on this property regarding a berm on his property, however he did not know the berm was on his property, he thought the entire berm was on the abutting property.

Richard Piccininni, 37 Ramland Road, abutting property owner, wanted to know about dedication of roadway and fill on property was illegal.

Michael Sullivan, 10 Red Coat Lane, area resident, raised concerns regarding Fire Department concerns and the impact of idling trucks on the environment.

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Melissa Stone, 35 Constitution Drive, raised concerns regarding the noise and exhaust created from the trucks using the site and wanted to know the colors and materials of the structure.

Scott Scozzafaza, 29 Longview Court, Old Tappan, New Jersey, raised concerns regarding the use of a roadway in New Jersey.

Lloyd Aanson 21 Longview Court, Old Tappan, New Jersey, expressed concerns regarding the applicant using utility lines and easements through New Jersey.

Beth DeCoursey, 9 Tory Circle, wanted to know what type of waste would be produced from the site and where it would go.

Terry Wolff, 11 Constitution, Road, raised concerns regarding the status of the roadway.

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

July 22, 2009

Steven Grogg, Daniel Feldstein, Brad Meumann and Terry Rice appeared and testified.

The Board received the following communications:

1. A Project Review Committee Report dated July 15, 2009.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated July 22, 2009.
3. A letter from HDR signed by Harvey Goldberg, P.E., dated July 14, 2009.
4. A letter from the Rockland County Department of Planning, signed by Salvatore Corallo, Commissioner of Planning, dated July 17, 2009.
5. A letter from Rockland County Department of Highways, signed by Joseph Arena, Principal Engineering Technician, dated July 3, 2009.
6. A letter from Rockland County Department of Health, signed by Scott McKane. P.E., Senior Public Health Engineer, dated June 22, 2009 April 14, 2009.
7. A letter signed by Thomas Skrable, P.E., Borough Engineer, Borough of Old Tappan, New Jersey, dated July 10, 2009.

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8. Plans prepared by McLaren Engineering Group, dated January 16, 2009, revised June 15, 2009:

S-1: Preliminary Subdivision Plan

C-001: Cover Sheet

C-002: Existing Conditions Map

C-100: Overall Site Plan

C-101: Site Plan

C-102: Site Plan

C-103: Phasing Plan

C-201: Grading Plan

C-202: Grading Plan

C-301: Utility Plan

C-302: Utility Plan

C-401: Soil Erosion and Sediment Control Plan

C-501: Details

C-502: Details

C-601: Lighting Plan

9. Landscaping Plans prepared by Land Concepts, dated January 14, 2009, revised June 15, 2009:

L-1 of 2: Planting Plan – Phase I

L-2 of 2: Planting Plan – Phase II

10. Architectural Plans prepared by Elkin/Sobolka & Associates, dated December 12, 2008:

A-1: Floor Plan

A-2: Elevations

11. A copy of letter to Steve Grogg, P.E., McLaren Engineering Group, from John Collins Engineers, P.C., signed by John T. Collins, Ph.D., P.E., dated May 27, 2009.

12. Part 2, of the Full Environmental Assessment Form.

13. A report prepared by Spectra Environmental Group, Inc., dated July 20, 2009, entitled Air Modeling Results for Planned Warehouse Facility, with an attached letter to Dan Feldstein, Vice President of Operations, Crestron Electronics, Inc. signed by Gregory M. Sheyon, Air Quality Specialist, dated July 22, 2009.

Public Comments:

Donald Brenner, attorney for Ma-Tov Day Camp, abutting property owner, discussed the merging of the lots before the Board, requesting clarification. He discussed the need for Ramland Road to become a public street with a turn around at the end. Presently, the street is not maintained and the area is overdeveloped and questioned the Board how the roadway is going to handle the additional traffic created by the proposed project.

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Mellissa Stone, 35 Constitution Road, raised concerns regarding the proposed height of the structures. She wanted to know the hours of operation and if any trees would be cut down.

John Piccininni, owner of an abutting commercial property on Ramland Road, raised issue with the status of dedication of Ramland Road to the Town, traffic on the roadway and maintenance of the roadway.

Sam Vogel, Ma-Tov Day Camp, abutting property owner, raised concerns regarding the existing berm on the site, the possible contaminates in the berm and its removal from the site. Mr. Vogel also expressed concerns regarding the proximity of idling trucks to his property since children are playing on the campgrounds and the traffic created from the trucks and air quality and health hazards to the children.

Terry Wolff, 11 Constitution, Road, raised concerns regarding the vegetative buffer on the site during Phase I and Phase II of construction. He requested that a berm be placed on the site and that mature trees not be touched during construction.

Donald Brenner, attorney for Ma-Tov Day Camp, abutting property owner, held that the applicant has not done all the elements required under SEQRA, and that there is a traffic problem. He also raised issue of contaminants in the ground and odors and requested that air pollution reports be submitted before the project move on.

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

September 30, 2009

Steven Grogg, Daniel Feldstein, Brad Meumann and Terry Rice appeared and testified.

The Board received the following communications:

1. A Project Review Committee Report dated September 23, 2009.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated September 30, 2009.

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3. A letter from HDR, signed by Harvey Goldberg, P.E., dated September 17, 2009.
4. A letter from the Rockland County Department of Planning, signed by Salvatore Corallo, Commissioner of Planning, dated August 27, 2009.
5. A letter from Rockland County Department of Highways, signed by Joseph Arena, Principal Engineering Technician, dated August 27, 2009.
6. A letter from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated August 12, 2009.
7. Letters from McLaren Engineering Group, signed by Steven L. Grogg, P.E. Site –Civil Division Chief, dated September 18 & August 7, 2009.
8. Plans prepared by McLaren Engineering Group, dated January 16, 2009, revised August 7, 2009:
 - S-1: Preliminary Subdivision Plan
 - C-001: Cover Sheet
 - C-002: Existing Conditions Map
 - C-100: Overall Site Plan
 - C-101: Site Plan
 - C-102: Site Plan
 - C-103: Phasing Plan
 - C-201: Grading Plan
 - C-202: Grading Plan
 - C-301: Utility Plan
 - C-302: Utility Plan
 - C-401: Soil Erosion and Sediment Control Plan
 - C-501: Details
 - C-502: Details
 - C-601: Lighting Plan
9. Landscaping Plans prepared by Land Concepts, dated January 14, 2009, revised August 7, 2009:
 - L-1 of 2: Planting Plan – Phase I
 - L-2 of 2: Planting Plan – Phase II
10. Architectural Plans prepared by Elkin/Sobolta & Associates, dated December 12, 2008:
 - A-1: Floor Plan
 - A-2: Elevations
11. An Assessment of the Soil Berm at the Former Mufson Landscape Design Site, prepared by Chazen Companies, dated August 6, 2009.
12. A letter from the Tappan Fire District, signed by Tom Quinn Commissioner, Tappan Fire District, dated July 16, 2009, with attachment.
13. Letters signed by Thomas Skrable, P.E., Borough Engineer, Borough of Old Tappan, New Jersey, dated September 14 & July 10, 2009.
14. A report entitled “Soil Investigation Remedial Action Work Plan, NYSDEC Spill #09-06153 Former Mufson Landscape Design Site, prepared by Spectra Environmental Group, Inc., dated August 2009”, attached letter dated September 17, 2009, signed by Daniel Feldstein, Vice President, Crestron Electronic, Inc.

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PUBLIC COMMENTS

Bob Diercks, 255 Betsy Ross Drive, raised concerns regarding traffic congestion to the area roadway when all of the buildings in the area are occupied.

Mr. Vaher, 254 Betsy Ross Drive, expressed numerous concerns regarding health, crime and impact to community services.

Robert Bloom, 4 Ethan Allen Court, requested information regarding the size of the trucks accessing the project site.

Beth DeCoursey, 9 Tory Court, held that the project is not compatible with the area properties. She raised concerns about noise, security, odors, and the operations of the business. Ms DeCoursey requested additional time to review the project.

Helen Bark, 117 Constitution Drive, wanted to know if the Board is going to ruin the Neighborhoods quality of life.

Stephanie Stein, 127 Constitution Drive, questioned the Board on how to make the applicant consider moving to another site. She raised concerns regarding the impact of the development to the neighborhood.

Terry Wolf, 11 Constitution Drive, wanted to know the hours of operation of the business and the number of worker shifts.

Richard Russell, 134 Constitution Drive, held that his property would be devalued due to the construction of the proposed project.

Madeline Sokloff, an area resident, held that the project will increase noise, pollution to the neighborhood and will decrease the quality of life to everyone.

Debbie Verdicchio, 137 Penn Court, noted that she lives behind the Subaru building and that building is ¼ the size of the proposed structure. She said that at night, there is a lot of noise created.

Teresa Parker, 61 Minuet Man Circle, raised concerns regarding the traffic study. She held that it should be revised to include school busses and cars that use Hunt Road as a by pass to the light at Orangeburg and Blaisdell Roads.

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Michael Prunty, 35 Constitution Drive, expressed concerns regarding the size of the proposed building.

Mark Skopov, 2 Trenton Drive, held that the proposed development will help with the rising taxes in Orangetown, but this building will greatly impact the neighborhood and overwhelm the area.

Jeraldine Collins, area resident, expressed concerns regarding increase in traffic and pollution resulting from the proposed project.

Donald Brenner, attorney for Ma-Tov Day Camp, abutting property owner, held that the Board must take a hard look at SEQRA. There are three problems with SEQRA:

1. Accessibility of the Site, since it is an end run of a private road.
2. Contamination of the site. The applicant came up with a plan but does not include his client, Ma-Tov. Also, there are contaminants in the detention basin not addressed by the applicant.
3. The applicant is parking trucks inside the building.

Mr. Brenner held that the applicant is a multi million dollar corporation and can afford to correct the situation

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

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

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

December 9, 2009

Steven Grogg, Daniel Feldstein, Brad Meumann and Terry Rice appeared and testified.

The Board received the following communications:

1. A Project Review Committee Report dated September 23, 2009.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated September 30, 2009.

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3. A review of the Collins Engineering Traffic Impact Study, prepared by Adler Consulting, and signed by Bernard Adler, P.E., President, and John Canning, P.E., Senior Associate, dated October 21, 2009.
4. Response to the Adler Consulting October 21, 2009 review of the Collins Engineering Traffic Impact Study, prepared by John Collins Engineers, P.C., dated November 23, 2009.
5. Response to the Collins Engineering comments of November 23, 2009, prepared by Adler Consulting, dated December 9, 2009.

Public Comments:

Dennis Lynch, attorney representing abutting property owners, raised concerns regarding the Board granting Preliminary Approval of the application. Mr. Lynch believed the Board should declare a Positive Declaration in the State Environmental Quality Review to allow for further review. He noted that the issue of soci- economic impact was not reviewed in the applicant's submission.

Donald Brenner, attorney for Ma-Tov Day Camp, an abutting property owner, raised concerns regarding other traffic generators in the area and their participation in the "fair share" of the traffic improvements. Mr. Brenner held that since Blaisdell Road was a County Roadway, the County may not offer its share of the roadway costs.

Lester Cohen, 167 Cows Penn Drive, requested that the applicant submit a Full Environmental Assessment Form. He raised concerns regarding the use of school busses at the intersection of Blaisdell and Ramland Roads. Mr. Cohen requested information regarding the level of traffic flow at other intersections in Orangetown.

Al Samuels, Rockland Business Association, held that the agency conducted a study in 2005 determined that the type of private sector employer to attract to Rockland would be Crestron, a light manufacturing company that would provide employment and tax revenue.

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Nigal Bark, 117 Constitution Drive, raised concerns regarding the noise resulting in the construction of the project. He requested information regarding the type of structure to be built.

Jack Holt, business owner in Pearl River, 1 North Tweed Boulevard, supports the project. He noted that Crestron would be a clean ratable business to Orangetown and urged the Board to grant Preliminary Approval and move the project forward.

Steve Yasskay, Chairman of Rockland Economic Development Corporation, offered a welcome to Crestron and noted that the project would be offer some economic stability to Rockland County. The project brings jobs and would be important to Rockland County of obtain the business, since the county is in competition with Bergen County for this type of ratable.

Terry Wolf, 11 Constitution Drive, raised concerns regarding the proposed height of the structure.

Paul Neugbauer, 125 Constitution Drive, raised concerns regarding the impact of traffic to area roadway, the soci-economic impact to the neighborhood and use of tractor trailer trucks coming to and using the site.

Ron Hicks, Rockland Economic Development Corporation, supports the project and stated that the Planning Board has an chance to attract a clean, family business and the Town should embrace the opportunity. Mr. Hicks noted that there are a lot of empty buildings/businesses in Orangetown and that Crestron would be a good project for the Town, the Planning Board should endorse the project.

Joe Cinqueman, 2 Betsy Ross Drive, raised concerns regarding the existing traffic on the streets. He held that new development would further increase the problem.

Joe Laglan, business owner in Pearl River, stated that he moved to Orangetown three years ago and employs 350 people. He likes Orangetown wants the Board to move the project.

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Sal Guanira, Betsy Ross Drive, expressed concerns regarding the number of possible employees, noise pollution and waste products recreated by the project. He wanted to know if sound barriers would be constructed.

William Helmer, 3 Main Street, Nyack, Past President of Rockland Economic Development Corporation and Past President of Provident Bank, stated that he has worked for the past 15 years trying to this type of business to Rockland County. The Planning Board needs to work out any type of accommodation in order to retain the interest of Crestron, Orangetown needs the additional 300 jobs. If parking is an problem, he could assist in resolution of the issue.

Rudolph Dupuy, 1 Tory Circle, raised concerns regarding the Buffer zone and the impact of the proposed development on the surrounding neighborhood.

Beth DeCoursey, 9 Tory Court, expressed concerns regarding the impact of the project to the neighbors, hours of operation of the business, noise from the trucks on site and soci-economic impact to the residents. Ms DeCoursey urged the Planning Board not to grant parking in the permitted yard.

John Gaglione, 18 Betsy Ross Drive, wanted the Plans to note the location of houses on the abutting parcels of land. He wanted information regarding the location of the air conditioning units on the roof of the proposed structure. Mr. Gaglione raised concerns regarding the noise produced from the site.

Charlene Collins, Minute Man Circle, requested information regarding the scale of the proposed building, particularly with the height of the structure. She also raised concerns regarding the noise and traffic produced from the project.

Madeline Sokloff, 149 Valley Forge Place, raised concerns regarding the use of the site, the number of parking spaces, noise, fumes and garbage. She expressed concerns regarding the existing traffic in the area of the proposed project and the worsening of the traffic to the area if Crestron is built.

Sam Vogal, owner of an abutting property, Ma-Tov Day Camp, raised concerns regarding the impact of the development and suggested using an alternative site.

Helen Bark, 117 Constitution Drive, requested information regarding the type of products that Crestron produces and the type of wastes that would result.

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Scott Hansen, 158 Cows Penn Drive, requested that the Board consider Mr. Vogel's alternative site for the project. He applauded Crestron's effort to reduce the size of the structure, however is still concerned about the fumes created by the operation of the business.

Mellissa Stone, 35 Constitution Road, raised questions regarding impact of the development to the area, since it in her backyard.

Matt Locco, 19 Constitution Drive, held that the proposed project is too big to be located in the backyards of a residential neighborhood.

Robert Murphy, 27 Constitution Drive, requested information regarding Crestron's hours of operation.

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

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Steven Grogg and Daniel Feldstein appeared and testified.

The Board received the following communications:

1. A Project Review Committee Report dated January 20, 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 27, 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 21, 2010.
4. A letter from HDR, dated January 18, 2010, signed by Harvey Goldberg, P.E.,
5. A letter from the Rockland County Department of Planning, signed by Salvatore Corallo, Commissioner of Planning, dated January 12, 2010.
6. A letter from Rockland County Department of Highways, signed by Sonny Lin, P.E., dated December 30, 2009.
7. A letter from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated December 28, 2009.
8. A letter from Ma-Tov Day Camp, signed by Sam Vogel, dated December 21, 2009.
9. A letter signed by Lester Cohen, dated December 15, 2009.
10. A Stormwater Pollution Prevention Plan prepared by McLaren Engineering Group, revised December 17, 2009, with a letter and attachments, signed by Steven L Grogg, P.E. Site –Civil Division Chief, dated December 21, 2009.

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11. Plans prepared by McLaren Engineering Group, dated January 16, 2009, revised December 18, 2009:

- C-001: Cover Sheet
- C-002: Existing Conditions Map
- C-100: Overall Site Plan
- C-101: Site Plan
- C-102: Site Plan
- C-103: Phasing Plan
- C-201: Grading Plan
- C-202: Grading Plan
- C-301: Utility Plan
- C-302: Utility Plan
- C-401: Soil Erosion and Sediment Control Plan
- C-501: Details
- C-502: Details
- C-601: Lighting Plan

12. Landscaping Plans prepared by Land Concepts, dated January 14, 2009, revised August 7, 2009:

- L-1 of 2: Planting Plan – Phase I
- L-2 of 2: Planting Plan – Phase II

13. Architectural Plans prepared by Elkin/Sobolta & Associates, dated December 12, 2008:

- A-1: Floor Plan
- A-2: Elevations

14. A letter from McLaren Engineering Group, signed by Steven L. Grogg, P.E., Site –Civil Division Chief, dated January 27, 2010, with an attachment of C-100: Overall Site Plan, prepared by McLaren Engineering Group, dated January 16, 2009, revised January 21, 2010.

15. A letter from Rockland Sewer District # 1, signed by Joseph LaFiandra, Engineer II, dated January 21, 2010.

Public Comments:

Lester Cohen, 167 Cows Penn Drive, raised concerns regarding the level of traffic resulting from other proposed developments in the area. He requested that the Board address the other development proposals prior to approval of the Crestron Site Plan.

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Matt Iocco, 19 Constitution Drive, expressed concerns regarding the vegetative buffer and requested that the fire lane be moved closer to the building.

Arthur York, 145 Valley Forge Place, raised concerns regarding the traffic impact to the neighborhood when this project and the vacant buildings in the area are occupied in the future. The current traffic needs to be addressed.

Madeline Sokloff, 149 Valley Forge Place, held that the soil on the site was contaminated and expressed concerns that the water in the area also was contaminated. She also expressed concerns regarding current and future vehicular traffic.

Anthon Korpia, 241 Betsy Ross Drive, expressed concerns regarding current and future vehicular emissions and impact to the health of the people in the neighborhood.

Donald Brenner, attorney for Ma-Tov Day Camp, discussed the zoning of the property and his client's property, referring to the 1952 Town of Orangetown Zoning Code. He stated that both properties were zoned residential and in the 1960, both were changed to LIO. Mr. Brenner held that the Ma-Tov site could be considered a residential property and requested that the applicant create a vegetative buffer along the shared property line.

Kathy Roth, 222 Betsy Ross Drive, requested that the letter from the Rockland County Department of Health dated December 28, 2009, be read into the record.

Sam Vogel, Ma-Tov Day Camp, raised three issues that he believed the Board should address: 1) Responsible party for dumping contaminated soil on his property, 2) planting a vegetative buffer along the common property line, and 3) Emissions from the trucks coming to the applicant's site and impact on children on his property.

Richard Piccininni, 37 Ramland Road, raised concerns regarding the contaminated fill on property. He stated that he observed trucks dumping soil on the site.

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, aye; Robert Dell, aye; 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 PRELIMINARY SITE PLAN SUBJECT TO THE FOLLOWING CONDITIONS:

1. The following note shall be placed on the Site Plan: “At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a meeting.”

2. The following note shall be placed on the Site Plan regarding Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.

3. The parking calculations are for the entire building, phases one and two. The applicant shall divide the total number of parking spaces required and provided into the amounts for each phase.

4. The applicant is proposing a turnaround on the property which is intended to be dedicated to the Town of Orangetown. If this turnaround along with the now private section of Ramland Road South are dedicated to the Town, then a 280A variance from the Town of Orangetown Zoning Board of Appeals will no longer be required.

5. The following variance will need to be sought from the Town of Orangetown Zoning Board of Appeals:

Loading berths shall be within completely enclosed building and the proposed loading berths are not within the enclosed building. (General Use Regulations, Column 7, Item 2. Refer to LO District).

6. The applicant wishes to construct the building in two phases. Therefore, the Planning Board will need to approve the phasing plan and the length of time necessary to allow completion of the second phase under the site plan approval. The Town code allows two years before the approval expires. The Planning Board can modify this requirement upon discussions with the applicant.

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7. The applicant will need to have Performance Standards reviewed by the Town of Orangetown Zoning Board of Appeals.
8. The Full Environmental Assessment Form appears to be in order.
9. The 100 foot buffer, (restrictive covenant per L. 19: p2338) shall be submitted to the Town of Orangetown Planning Board and the requirements of the covenant shall be disclosed.
10. The revised Stormwater Pollution Prevention Plan and drainage calculations are currently under review by DEME.
11. Sanitary calculations for the proposed site, including design calculations for the proposed private sewage pumping station, prepared and sealed by a New York State Licensed Professional Engineer, shall be submitted to DEME for review and approval.
12. Profiles for the sanitary and storm sewer lines shall be provided with the plans.
13. The revised soil erosion and sediment control plans and details are under review by DEME.
14. The metes and bounds for the proposed road dedication to the Town shall be given on the Plans.
15. The detail for the proposed roadway that is to be dedicated to the Town of Orangetown shall be clearly identified and reflect Town Standards.
16. A detail for the proposed mountable curbing shall be added to the plans.
17. A low maintenance/low growth planting detail shall be added to the proposed circle. The applicant shall coordinate this item with the Town of Orangetown Department of Highways.
18. 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.
19. 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.

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20. The 19.38 acre resubdivided site is located along the NY/NJ State line in Orangeburg. Access to the site is from Ramland South Road to the north of the site. The rear yards of homes along South Constitution Drive form the easterly boundary of the site. A camp is located to the west of the site. An unnamed stream tributary to Dorotockeys Stream flows along the northerly boundary line of the site. Site topography generally slopes downward toward the stream from south to north. The site contains an existing 2-story frame building, a metal storage building and two small sheds. The site also contains the remains of a prior swimming/camp facility, including a demolished building, walkways and paths.

The Applicant proposes to demolish existing structures and to construct a 185,923SF building with 20,000SF of office space and the balance for light manufacturing, loading dock operations and associated warehouse space. Paved site access roads, 289 parking spaces (142 spaces will be land banked) and 20 loading docks are also proposed. Two onsite storm drain systems, one on the west side of the proposed building (System A), and one on the east side (System B), will discharge into a proposed open detention basin on the north side of the building adjacent to the stream. A third system (System D) is located in the northwest corner of the site along the entrance road.

The Planning Board's Drainage Consultant recommends acceptance for drainage, however, several conditions noted in the July 14, 2009 and September 17, 2009 letters of acceptance have not been satisfied. These conditions are as follows:

1. A calculation for sizing the 36-in basin outlet pipe has been provided. However, the calculation is based on a flow rate of 23.58CFS instead of the peak 100-yr flow rate into the basin. The pipe must be able to pass the peak 100-yr flow rate into the basin during the 100-yr flood elevation in the stream (i.e. tailwater EI = 89.6). This calculation shall assume that the orifice and weir are plugged or blocked.
2. Provide construction details for headwalls HW-A1, HW-B1, HW-C1 and HW-D1, including plan and sections drawn to scale. The details must show pipe sizes, invert elevations, top and bottom elevations, lengths, widths, etc. Since the headwalls are located on sloping topography, an appropriate scaled grading plan must be provided for each headwall. The stone aprons at each headwall should also be shown on these plans.

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Continuation of Condition #20....

3. Outlet D1 must be added to the Riprap Outlet Protection Detail. The minimum thickness of the stone layer is incorrectly shown on the detail as 7-7/16" on the detail and 12" in the table. Actual thickness of this layer is dependent on the D50 stone size (i.e. the minimum thickness must be 14" for D50 = 6" and 20" for D50 = 9").
4. The size of the B System outlet is inconsistent and must be corrected. The outlet pipe is shown as 30" on the plans, 24" on the Riprap Outlet Protection Detail, and 30" in the calculations.
5. The size of the A System outlet is inconsistent and must be corrected. The outlet pipe is shown as 42" on the plans and on the Riprap Outlet Protection Detail, and 36" in the calculations.
6. Provide profiles on the plans, to horizontal and vertical scale, for all storm drains. Show the hydraulic grade line for each length of pipe and the 100-yr water levels at each structure. Show all utility crossings to avoid conflicts during construction.
7. Provide a profile of the outlet pipe from the Outlet Control Structure to the stream drawn to horizontal and vertical scales. Show the Outlet Control Structure, collars, seepage diaphragm, headwall and stone apron in the profile along with proposed grades. Provide separate details of the 5-ft x 8-ft collars and the 3-ft x 5-ft x 21-ft seepage diaphragm drawn to scale.
8. The proposed basin has a permanent pool from the basin bottom (El 85.00) to the invert of the orifice (El 91.50). Provide a basin drain with a valve that will drain this permanent pool in 24 hours when open. Include detail(s) of the drain and valve on the plans and calculations.
9. Provide a NYSDEC acceptable trash rack for the low flow orifice on the Outlet Control Structure (see Figures K1 and K2 in NYS Stormwater Design Manual).
10. The Applicant must provide and obtain approval of a Mosquito Breeding Prevention Plan from the Rockland County Department of health.
11. Additional conditions may be added based on response to the above comments.

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

A review shall be completed by the Borough of Old Tappan, New Jersey and their comments considered.

The request for the latest traffic studies and information pertaining to this development that is contained in the December 30, 2009 letter from the Rockland County Highway Department must be addressed and all required permits obtained.

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

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

The lighting and landscaping plans shall meet all Town requirements.

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 engineers, 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.

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.

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

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

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Continuation of Conditions #21....

Since the site is expected to generate significant truck traffic, it is recommended that signs be placed in loading areas to remind truck operators of the idling time limits of state law (5 minutes) and county law (3 minutes) so as to minimize air pollution impacts on neighboring residential and private recreation areas.

If any variances will be needed to implement the proposed site plan, the Rockland County Department of Planning requests the opportunity to review the proposed variances, as required by New York State General Municipal Law, Section 239-m(3)(v).

22. The Rockland county Department of Highway reviewed the Site Plan and offered the following concerns:

The Rockland County Department of Highway requests that all traffic studies, revisions and information pertaining to this development be forwarded for additional review.

McLaren Engineering provided the County with information that turning lanes on Blaisdell Road are being considered and/or required for this development based upon additional traffic impact information. The County has received a preliminary representation overlay dated December 4, 2009 entitled Blaisdell Road at Ramland Road left turn lane, yet no additional traffic impact information pertaining to this project.

Rockland County Department of Highway would not oppose on the conceptual design of a turn lane installed upon the county roadway, it may require additional information and enhanced details before granting its final approval.

A Rockland County Highway Department Work Permit would be required for widening or lane striping that may be required along Blaisdell Road for the improvement and must be secured prior to the start of construction.

23. Based upon Rockland County Drainage Agency (RCDA) evaluation of available mapping and information submitted, it has been determined that the proposed activity is outside the jurisdiction of the RCDA. Therefore, a permit from the RCDA pursuant to the Rockland County Stream Control Act, Chapter 846, is not required based upon its review of the information provided. However, the site appears to be located in close proximity to mapped federal wetlands. The RCDA suggests that the U.S. Army Corps of Engineers be contacted by the lead agency and requested to make a jurisdictional determination regarding the proposed activity.

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24. The Rockland County Department of Health reviewed the Site Plan prepared by McLaren Engineering Group dated December 18, 2009 and offer the following comments regarding the Site Plan:

Formal application is to be made to the Rockland County Department of Health (RCDOH) for approval of the sewage disposal system. Plans are to include sanitary sewer profiles and an Engineers Report for the proposed pump station. Applicants Engineer shall contact Scott McKane for submission requirements.

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

RCDOH records how that there is an existing well on Lot #37. This well is to be shown on the Site Plans. A note is to be added that the well is to be decommissioned in accordance to Article II of the Rockland County Sanitary Code.

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

25. 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.

26. The Town of Orangetown Fire Prevention Bureau had the following comments:

Install an NFPA 13 compliant sprinkler system. The fire department connection shall be 22 ½ NST thread with protective covers and required signage for FDC.

Install and maintain an NFPA 72 compliant Fire Alarm System.

Maintain the sprinkler system according to NFPA 25.

Install amber and red exterior strobes as required by the Orangetown Code
Provide Key Box.

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

Install red and amber strobe lights according to Chapter 15 of the Orangetown Code.

Provide a Fire Lane around 100% of the entire building outside the collapse zone. This shall be noted and labeled on the Site Plan.

Provide and maintain Fire Lane/Zone signage and striping and show all signage and markings on the final approved Site Plan.

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

27. United Water Suez reviewed the plan and have no comments on the design at this time.

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28. The New York State Department of Environmental Conservation (NYSDEC) reviewed the Site Plan and determined that the project will require the following permits from the department:

Article 15, Projection of Waters

Compliance with the State Pollution Discharge Elimination System (SPDES)

General Permit for Stormwater Discharges from Construction Activities

Other evaluations during NYSDEC review of this project are Cultural Resources and review by the U.S. Army Corps of Engineers may be required for this project.

29. The Tappan Fire District requests that the applicant to provide certification that road access over the existing bridge shown on the Site Plan be sufficient for emergency equipment that a building this size would require.

30. No parking shall be placed on the easterly side of the yard.

31. In an effort to enlarge the vegetative buffer, the applicant shall attempt to bring in the berm as close as possible to the building, allowed under the current Fire Code.

32. Revised Site Plan: C-100: Overall Site Plan, prepared by McLaren Engineering Group, dated January 16, 2009, revised January 21, 2010, notes land banking of 16 parking spaces. The revision shall be incorporated in the final plans.

33. As a part of the Site Plan approval and SEQRA review process, a traffic study was conducted by the applicant and reviewed by a traffic consultant for the Town. On the basis of these studies, it was determined that this project would result in traffic concerns along the nearby roads of Blaisdell and Veteran's Memorial Highway. In order to sufficiently address these issues, the Planning Board determined that left turn lanes from Blaisdell Road on to Ramland Road and Corporate Drive would be appropriate to address the traffic issues raised specific to this project. The applicant therefore has agreed to construct and install, or provide funds sufficient to cover the cost of same, to the specification and satisfaction of the Rockland County Highway Department and Town of Orangetown Highway Department, two left hand turn lanes at the intersection of Blaisdell Road and Ramland Road/Corporate Drive. As the agreement by the applicant to install these turning lanes was an important part of the analysis conducted by the Planning Board with respect to this project, no Certificate of Occupancy for the site will be issued until the left hand lanes at the Blaisdell/Ramland/Corporate Drive intersection are constructed and installed by the applicant, to the satisfaction of the Rockland County Highway Department and the Town of Orangetown Highway Department. The applicant shall be responsible for obtaining all necessary permits for the construction of same.

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34. No Building Permit shall be issued for Phase II of the proposed development after 5 years from the date of filing the Site Plan. After that date, the applicant would need to appear in front of the Planning Board for review and approval of Phase II development.

35. The applicant has agreed to extend Ramland Road South into its property in include a turn-a-around for purposes of the Town accepting the road (Ramland Road South) as a dedicated Town road. As a condition of Site Plan approval, the applicant shall provide all necessary documentation for the Town to accept as a public road the applicant's portion of Ramland Road South, including but not limited to, a Title Insurance Policy, in favor of the Town of Orangetown, insuring title to the entirety of Ramland Road South. All such documentation shall be in a form and substance to be approved by the Town of Orangetown Town Attorney's Office. The applicant shall also be responsible for all recording fees of the Rockland County Clerk's Office associated therewith.

36. 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 Sewer District #1
- Rockland County Drainage Agency
- Rockland County Department of Highways
- New York State Department of Environmental Conservation

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

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

39. 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:

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Continuation of Condition #39....

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.

- 40.** 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.
- 41.** 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.
- 42.** The contractor's trailer, if any is proposed, shall be located as approved by the Planning Board.
- 43.** 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

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Continuation of Condition #43...

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).

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

45. 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

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

Override

The Board made a motion to override Condition #3 of the January 12, 2010 letter from Rockland County Department of Planning, signed by Salvatore Corallo, Commissioner of Planning, for the following reasons:

"# 3. We note that a variance to allow 20 loading berths that are not completely enclosed will be requested. Since the unenclosed loading berths have the potential to negatively impact the private recreational uses adjacent to the proposed loading area, the site plan must be revised to indicate that the loading berths will be fully enclosed."

The Planning Board held the applicant intends to request the Town of Orangetown Zoning Board of Appeals for a variance to allow loading berths that are not enclosed.

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

The foregoing Resolution was made and moved by Kevin Garvey seconded by Jeffrey Golda and carried as follows: Bruce Bond, aye, Andy Stewart, 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: January 27, 2010
Town of Orangetown Planning Board**

**PB #09-62- Town of Orangetown Planning Board Decision
SMK Tweed Boulevard Site Plan - Preliminary Approval Subject to
Conditions/ Neg. Dec.**

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

RE: SMK Tweed Boulevard Site Plan: The application of Sean Keenan, SMK Home Builders, owners, for Prepreliminary/Preliminary Site Plan Review for an addition to an existing structure at a site located in the Critical Environmental Area, known as "**SMK Tweed Boulevard 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, and to determine the environmental significance of the application pursuant to the requirements of the New York State Environmental Quality Review Act. The site located at 7 Tweed Boulevard, Upper Grandview, Town of Orangetown, Rockland County; New York and as shown on the Orangetown Tax Map as Section 71.09, Block 1, Lot 54 in the R-22 zoning district.

Heard by the Planning Board of the Town of Orangetown at meetings held **December 9, 2009 and January 27, 2010** at which time the Board made the following determinations:

December 9, 2009

Sean Keenan and Jay Greenwell appeared and testified.

The Board received the following communications:

1. A Project Review Committee Report dated December 2, 2009.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated December 9, 2009.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering, (DEME) Town of Orangetown, signed by Bruce Peters, P.E., dated December 4, 2009.
4. A letter from HDR signed by Harvey Goldberg, P.E., dated November 18, 2009.
5. Letters from the Rockland County Department of Planning, signed by Eileen Miller, dated November 24, 2009 and Salvatore Corallo, Commissioner of Planning, dated December 2, 2009.
6. A letter from Rockland County Department of Highways, signed by Sonny Lin, P.E., dated December 2, 2009.
7. A letter from Rockland County Drainage Agency, signed by Edward Devine, Executive Director, dated November 10, 2009.

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8. Letters from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated October 29 and November 3, 2009.
9. A letter from the Rockland County Sewer District #1, signed by Joseph LaFiandra, Engineer II, dated December 8, 2009.
10. A letter from the Town of Orangetown Zoning Board of Appeals, signed by William Mowerson, Chairman, dated November 4, 2009.
11. A letter from the Palisades Interstate Park Commission, signed by Karl Roecker, dated November 13, 2009.
12. A Short Environmental Assessment Form dated October 8, 2009, signed by Sean Keenan, SMK Home Builders.
13. Site Development Plan for Garage prepared by Jay Greenwell, PLS, dated October 8, 2009.
14. A letter from Jay Greenwell, PLS, dated November 24, 2009, with attachments.
15. Submitted at the meeting, a plan entitled "Proposed Driveway and Garage Modification", prepared by Jay Greenwell, PLS, dated December 9, 2009.

The Board reviewed the plan.

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

January 27, 2010

Daniel Delossantos appeared and testified for the applicant.

The Board received the following communications:

1. A Project Review Committee Report dated January 20, 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 27, 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 21, 2010.
4. A letter from HDR signed by Harvey Goldberg, P.E., dated January 14, 2010.
5. A letter from the Rockland County Department of Planning, signed by Salvatore Corallo, Commissioner of Planning, dated January 4, 2010.

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6. A letter from Rockland County Department of Highways, signed by Joseph Arena, Principal Engineering Technician, dated January 6, 2010.
7. A letter from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated December 22, 2009.
- 8 A letter from Rockland County Sewer District #1, signed by Joseph LaFiandra, Engineer II, dated December 8, 2009.
9. A letter from Jay A. Greenwell, PLS, LLC, signed by Jay A . Greenwell, PLS, dated January 13, 2010.
10. Site Development Plan for Garage prepared by Jay Greenwell, PLS, dated October 8, 2009, revised December 16, 2009.

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

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 William Young and carried as follows: Bruce Bond, aye; Andy Stewart, aye; William Young, aye; Robert Dell, aye; John Foody, aye; Jeffrey Golda, aye and Kevin Garvey, aye the Board declared itself Lead Agency.

Pursuant to New York Code, Rules & Regulations (NYCRR) Section 617.7, the Town of Orangetown Planning Board, as lead agency, for the reasons articulated in this Board’s analysis of all of the submissions by the applicant, interested agencies, departments and the public, with respect to this project including the Environmental Assessment Form, which reasons are summarized in the motion, hereby determines that the proposed action will not have a significant impact on the environment and a Draft Environmental Impact Statement (DEIS) will not be prepared.

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After having identified the relevant areas of environmental concern, namely drainage, surface water runoff, land clearing, vegetation, fauna, traffic and noise levels, and after having taken a hard look at said environmental issues, and after having deliberated regarding such concerns, and having heard from the applicant, the applicant's professional representatives, namely Jay Greenwell, PLS, and the Town of Orangetown's engineering consultant, Henningson, Durham & Richardson (HDR), and having heard from the following offices, officials and/or Departments: (Town of Orangetown): Project Review Committee, Office of Building, Zoning, Planning Administration and Enforcement and Department of Environmental Management and Engineering; and having heard from the following involved and interested agencies: Rockland County Department of Planning, Rockland County Department of Highways, Rockland County Department of Health, Rockland County Sewer District #1, Palisades Interstate Park Commission and having reviewed a proposed Site Plan by prepared by Jay Greenwell, PLS, dated October 8, 2009, revised December 16, 2009, a summary of the reasons supporting this determination are, and the Planning Board finds that the proposed action:

- Will not significantly affect existing air quality or noise levels;
- Will not significantly affect existing surface water quality or quantity or drainage;
- Will not significantly affect existing ground water quality or quantity;
- Will not significantly affect existing traffic levels;
- Will not create a substantial increase in solid waste production;
- Will not create a potential for erosion, flooding, leaching or drainage problems;
- Will not have a significant adverse impact on the environmental characteristics of our critical environmental area or environmentally sensitive sites or features;
- Will not have an impairment of the character or quality of important historical, archeological or architectural resources;
- Will not have an impairment of the character or quality of important aesthetic resources;
- Will not have an impairment of existing community or neighborhood character;
- Will not remove or destroy large quantities of vegetation or fauna;
- Will not remove or destroy large quantities of wildlife species or migratory fish;
- Will not have a significant adverse impact to natural resources;
- Is consistent with the Town of Orangetown's Comprehensive/Master Plan;
- Will not have adverse economic or social impacts upon the Town;
- Will not create a hazard to human health; and
- Will not create a substantial change in the use of land, open space or recreational resources.

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

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

1. The following note shall be placed on the Site Plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a meeting."
2. The following note shall be placed on the Site Plan regarding Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.
3. The proposed new garage will require the following variance be sought from the Town of Orangetown Zoning Board of Appeals: A Minimum Front Yard Setback required is 40 feet and 25 is proposed (23.9 feet is existing).
4. The Short Environmental Assessment Form appears to be in order.
5. Drainage calculations are no longer required due to the fact that the applicant is proposing to reduce the amount of existing impervious area on the site.
6. Soil erosion and sediment control plans and details shall be submitted to DEME for review and approval.
7. The site is located on the east side of Tweed Boulevard approximately 500-ft south of the intersection with Clausland Mountain Road. The 1.85 acre (80,566SF) site contains an existing 2 1/2 story frame dwelling. The site also contains an existing paved driveway with access from Tweed Boulevard and a small frame structure in the front yard. The Applicant proposes to remove the

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Continuation of Condition #7...

existing structure and replace it with a new garage. The Applicant further proposes to reconfigure the driveway. The Applicants representative indicates that the disturbed impervious area will be reduced from 6,821SF to 6,750SF, a reduction of 71SF. Based on the Planning Board's Drainage Consultant's review of the Site Plan and the proposed reduction in impervious area, the Board's Drainage Consultant recommends acceptance for drainage without conditions.

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

A review shall be completed by the Rockland County Highway Department and all required permits obtained.

A review shall be completed by the Rockland County Park Commission and any concerns addressed.

A review shall be completed by the New York State Department of Transportation and any required permits obtained.

A review shall be completed by the Palisades Interstate Park Commission and any concerns addressed.

A review shall be completed by the Village of Grand View on Hudson and their comments considered.

There shall be no net increase in peak stormwater runoff rates under a 24-hour, 100-year Type III design storm event.

In 1000 square feet of land or more will be disturbed, prior to any grading or construction on the site, a soil and erosion control plan shall be developed in place for the entire site that meets the New York State Guidelines for Urban Erosion and Sediment Control.

If any variances will be needed to implement the proposed site plan, the Rockland County Department of Planning requests the opportunity to review the proposed variances, as required by New York State General Municipal Law, Section 239-m(3)(v).

9. Rockland County Department of Highways reviewed the Site Plan and offers the following comments:

Due to the geographical curvature of the roadway, the maximum available site distance from the relocated driveway access is shown at 170 feet to the north while the existing location of the driveway entry may offer a slightly greater safety margin than the new location.

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Continuation of Condition #9...

The proposed development shall offer information pertaining to where construction vehicles will enter the site and where materials will be stored during construction. There shall be no storage of materials within the County right of way. Parking within the shoulder area along Tweed Boulevard may disrupt traffic flow and required restoration to the shoulder area and ditch lines along Tweed Boulevard. The applicant shall adequately address the temporary traffic control measures and emergency vehicle access during the construction.

The applicant shall ensure that the driveway will be constructed in such a manner that any stormwater traveling along Tweed Boulevard will not enter into the driveway opening and flow toward the new garage nor existing structures. Positive drainage along Tweed Boulevard must be maintained so that stormwater will still enter into the catch basin south of the driveway entrance.

The Town shall ensure that the onsite soil and erosion control measures proposed are adequate.

A Rockland County Highway Department Work Permit will be required for the proposed construction, in addition to any and all permits required by the local municipality, and shall be secured to the start of any construction or excavation on site.

10. The Rockland County Department of Health (RCDOH), Environmental Health Program reviewed the Site Plan and offered the following comment:

No approvals from the Rockland County Health Department are necessary for this application. The applicant is reminded that the “pre-existing carport currently being converted into living space”, cannot result in the increase in the number of bedrooms without madding modifications to the subsurface disposal field.

11. Rockland County Sewer District does not object to the plan as shown. This project does not affect any sanitary sewers within the District and no future correspondence is requested for this site.

12. The Palisades Interstate Park Commission has reviewed the item and found that this project will not have a significant adverse impact upon nearby park resources.

13. Based upon the Rockland County Drainage Agency (RCDA) evaluation of available mapping and information submitted, it has been determined that the proposed activity is outside the jurisdiction of the RCDA. Therefore, a permit from the RCDA pursuant to Chapter 846, Rockland County Stream Control Act, is not requested based upon its review of the information provided.

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14. 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 Drainage Agency
- Rockland County Health Department
- Palisades Interstate Park Commission
- Town of Orangetown Zoning Board of Appeals
- Rockland County Sewer District #1

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.

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Continuation of #17...

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.

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).

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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 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

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

The foregoing Resolution was made and moved by Kevin Garvey, seconded by John Foody and carried as follows: Bruce Bond, aye; Andy Stewart, 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: January 27, 2010
Town of Orangetown Planning Board**

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

**PB #09-62- TOWN OF ORANGETOWN PLANNING BOARD DECISION;
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This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Regulation) of the Environmental Conservation Law.

The PLANNING BOARD, TOWN OF ORANGETOWN, as Lead Agency, has determined that the proposed action described below will not have a significant impact on the environment and a Draft Environmental Impact Statement will not be prepared.

NAME OF ACTION: SMK Tweed Boulevard Site Plan

SEQR STATUS: Type I _____ Unlisted XXXXXX

CONDITIONED NEGATIVE DECLARATION: Yes _____ No XXXXXX

DESCRIPTION OF ACTION: Site Plan Review – Critical Environmental Area

LOCATION: The site located at 7 Tweed Boulevard, Upper Grandview, New York, Town of Orangetown, Rockland County; and as shown on the Orangetown Tax Map as Section 71.09, Block 1, Lot 54 in the R-22 zoning district.

REASONS SUPPORTING THIS DETERMINATION:

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

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

If Conditioned Negative Declaration, the specific mitigation is provided on an attachment.

For Further Information contact:

John Giardiello, P.E., Director, Office of Building, Zoning and Planning
Administration and Enforcement
Town of Orangetown
20 Greenbush Road
Orangeburg, NY 10962
Telephone Number: 845-359-5100

For Type I Actions and Conditioned Negative Declarations, a copy of this notice is sent: - Commissioner, New York State Department of Environmental Conservation, - Region 3 Headquarters, NYSDEC,- Town Supervisor, Applicant, Involved Agencies