

**TOWN OF ORANGETOWN PLANNING BOARD  
MEETING OF JANUARY 28, 2009**

**MEMBERS PRESENT:**

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

**MEMBERS ABSENT: NONE**

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

Robert Dell, Chairperson called the meeting to order at 7:30 P.M. Mr. 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:

**The Promenade Assisted Living  
Facility Site Plan**

**PB #08-55**

Prepreliminary/Preliminary Site Plan  
and SEQRA Review  
73.05/1/53.1; PAC zoning district

**STEJ Sport Center Site Plan**

**PB #09-04**

**(STEJ, LLC., Orangetown Family Entertainment Facility Site)**

Reaffirmation of PB 05-43, dated May 25, 2005, Final Decision  
And Reaffirmation of SEQRA (Orangeburg)  
73.11/1/1 and 73.11/1/2; RPC-R zoning District

The decisions of the January 14, 2009 Planning Board Meeting was reviewed,  
edited and approved. The motion for adoption was made and moved by Kevin  
Garvey and seconded by John Foody 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 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 ....., seconded by Bruce Bond and agreed  
to by all in attendance. The meeting was adjourned at ..... P.M. The next  
Planning Board meeting is scheduled for February 11, 2009.

**DATED: January 28, 2009**

Planning Board Town of Orangetown

**PB #08-55: TOWN OF ORANGETOWN PLANNING BOARD DECISION**

**The Promenade Assisted Living Facility Site Plan; Preliminary Site Plan Approval  
Subject to Conditions/ Neg. Dec.**

**January 28, 2009**

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FROM: Orangetown Planning Board

RE: The application of Blue Hill Development LLC, owner, for Prepreliminary/Preliminary Site Plan Review for a proposed Site Plan to be known as "**The Promenade Assisted Living Facility 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 Plan. The site is located at 582 Veterans Memorial Drive, Pearl River, New York; north side of Veterans Memorial Drive, 0 feet from the intersection of Gilbert Avenue, Pearl River, New York. Tax Map: 73.05/1/53.1; OP zoning district.

Heard by the Planning Board of the Town of Orangetown at meetings held **Wednesday, September 24, 2008, Monday, October 6, 2008, Wednesday, January 14 & 28, 2009**, at which time the Board made the following determinations:

**September 24, 2008**

Donald Brenner and Thomas Vanderbeek appeared and testified for the applicant.

The Board received the following communications:

1. A Project Review Memo dated September 17, 2008.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated September 24, 2008.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering, (DEME) Town of Orangetown, signed by Bruce Peters, P.E., dated September 18, 2008.
4. A letter from HDR signed by Harvey Goldberg, P.E., dated September 2, 2008.
5. A letter from the Rockland County Department of Planning, signed by Salvatore Corallo, Commissioner of Planning, dated September 8, 2008.
6. A letter from the Rockland County Department of Highways, signed by Sonny Lin, P.E., dated September 16, 2008.
7. A letter from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated August 4, 2008.
8. A letter from Rockland County Sewer District #1, signed by Joseph LaFiandra, Engineer II, dated September 8, 2008.

**PB #08-55: TOWN OF ORANGETOWN PLANNING BOARD DECISION**

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9. Letters from Rockland County Drainage Agency, signed by Edward Devine, Executive Director, dated August 20 & September 11, 2008.
10. Short Environmental Assessment Form dated July 18, 2008.
11. Plans prepared by Greater Hudson Valley Engineering, dated July 10, 2008:
  - Sheet 1: Cover Sheet
  - Sheet 2: Existing Conditions Plan
  - Sheet 3: Subdivision Plot Plan
  - Sheet 4: Planimetric Site Plan
  - Sheet 5: Grading & Utility Plan
  - Sheet 6: Landscaping & Lighting Plan
  - Sheet 7: Erosion Control Plan

The Board reviewed the Site 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 Anthony Iurica and carried as follows: Bruce Bond, aye; Anthony Iurica, aye; Kevin Garvey, aye; John Foody, aye; Jeffrey Golda, absent; Robert Dell, aye and William Young, aye.

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

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

**October 6, 2008**

Donald Brenner and Thomas Vanderbeek appeared and testified for the applicant.

The Board received the following communications:

1. A Project Review Report dated October 1, 2008.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated October 6, 2008.
3. A copy of the drainage approval letter dated October 12, 1999, from William Youngblood Associates, signed by William Youngblood, P.E..

**PB #08-55: TOWN OF ORANGETOWN PLANNING BOARD DECISION**

**The Promenade Assisted Living Facility Site Plan; Preliminary Approval Subject to Conditions/ Neg. Dec.**

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The Board reviewed the Site Plan.

The Board requested that the drainage be "Reaffirmed by DEME" .

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

**January 14, 2009**

Donald Brenner and Thomas Vanderbeek appeared and testified for the applicant.

The Board received the following communications:

1. A Project Review Memo dated January 7, 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 January 14, 2009.
3. Interdepartmental memorandums from the Department of Environmental Management and Engineering, (DEME) Town of Orangetown, signed by Bruce Peters, P.E., dated January 14 & 9, 2009.

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

**January 28, 2009**

Donald Brenner and Thomas Vanderbeek appeared and testified for the applicant.

The Board received the following communications:

1. A Project Review Memo dated January 21, 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 January 28, 2009.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering, (DEME) Town of Orangetown, signed by Bruce Peters, P.E., dated January 26, 2009.

**PB #08-55: TOWN OF ORANGETOWN PLANNING BOARD DECISION**

**The Promenade Assisted Living Facility Site Plan; Preliminary Approval Subject to Conditions/ Neg. Dec.**

**January 28, 2009**

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

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

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

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

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

On motion by Bruce Bond and seconded by Kevin Garvey and carried as follows: Bruce Bond, aye; 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.

**PB #08-55: TOWN OF ORANGETOWN PLANNING BOARD DECISION**

**The Promenade Assisted Living Facility Site Plan; Preliminary Approval Subject to Conditions/ Neg. Dec.**

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**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. 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 Town of Orangetown Zoning Board of Appeals granted a Use Variance for the property as ZBA #98-58 and modified as ZBA #99-20 for a single 13 acre parcel of property which now the applicant is proposing to subdivide into two (2) lots. The intention of the Zoning Board of Appeals in granting the Use Variance was for Assisted Living Suites. The applicant is now requesting a modification of the project to include kitchens in each of the units. The following comments apply for the Site Plan:

The Use Variance shall be reestablished at the Zoning Board of Appeals for the proposed modifications to the project.

All yard setbacks, both existing and proposed need to be shown on each parcel.

The Full Environmental Assessment Form, page 3, item #2, indicates the total project area of 12.9 acres, yet the actual acreage for lot #2 is 6.52 acres. Please clarify.

The original approval for the proposed building was for 75 units and a total of 79 beds. Please indicate the total number of beds proposed for the new facility on lot #2.

The Bulk Table shall list all items for both proposed subdivision lots.

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4. Although the Storm Water Pollution Prevention Plan (SWPPP) for the Site Plan is still under review by DEME, the included drainage calculations, last updated 1/23/09 are acceptable, on the condition that the existing basin's performance is reviewed for water quality performance (as per the engineer's letter of 1/23/09.) The applicant's engineer is reminded that the two proposed drywells shall be removed from the Site Plan, because the runoff from all of the proposed new impervious areas will be tied into the existing detention basin. DEME references letters dated January 26, 2009, January 14, 2009 and January 9, 2009. All information contained in those letters must be submitted and subject to review and approval by DEME.
5. Drainage calculations and Stormwater Pollution Prevention Plan, prepared and sealed by a New York State Licensed Professional Engineer, shall be submitted to DEME for review and approval. The applicant's engineer shall design onsite storage to achieve a zero increase in runoff from the proposed site.
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. The soil erosion and sediment control plans and details are under review by DEME. However, the proposed silt fence shall be depicted to run along the contours, not across them.
8. Sanitary calculations for the proposed site, prepared and sealed by a New York State Licensed Professional Engineers, shall be submitted to DEME for review and approval.
9. The page and liber/instrument number, as well as ownership for all easements/dedications shall be given on the plans.
10. A Note shall be added to the Site Plan indicating the source benchmark for the referenced datum, including the BM elevation.
11. Typical details shall be included with the drawings (i.e. catch basin, manhole, manhole frame cover with cover details (including Town name and date), pavement curbing, etc.)

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5. A review shall be completed by the Rockland County Department of Highways and all required permits obtained.
6. Since the property has been partially cleared, soil erosion measures that meet all applicable regulations shall be in place and verified to the satisfaction of the Town. Prior to the start of any additional construction or grading, a soil and erosion control plan shall be developed and in place for the entire site that meets the New York State Guidelines for Urban Erosion and Sediment Control
7. There shall be no net increase in storm water run off from the site.
8. Since the circulation road that serves Promenade 1 is located close to the proposed lot line, either an easement to allow the owner of Lot #1 to easily maintain the road shall be provided, or the lot line shall be adjusted southward to allow adequate space for future maintenance.
9. Prior to final site plan approval, a signage plan that meets all Town requirements shall be provided.
10. The landscaping plan does not include a listing of the proposed plants. The amount of landscaping proposed is very scant. Additional landscaping must be provided to help buffer this use from the surrounding uses, with special attention to how the area proposed to be graded along the southern and southeastern borders of lot #2 will be stabilized and planted with screening materials. A detailed landscaping plan with adequate plantings must be provide for review.
11. Since the Rockland County T.R.I.P.S. program will be providing transportation services to elderly and handicapped individuals, the canopy over the entrance area must have a height that meets the requirements for their vehicles. In addition, the circulation pattern must be designed so that the T.R.I.P.S. vehicles can perform pick-ups and drop-offs without the need to back the vehicles, since regulations prohibit the vehicles from backing. Please contact the T.R.I. P.S. office at (845)364-3607.
12. 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.
13. The fire department connections shall be designated on the Site Plan and kept clear for easy access by the emergency response vehicles..
14. Water is a scarce resource in Rockland County; thus proper planning and phasing of this project are critical to supplying the current and future residents of the Towns, Villages and County with an adequate supply of water. A letter from the public water supplier, stamped and sealed by a NYS licensed professional engineer, shall be issued to the municipality for this project, certifying that there will be a sufficient water supply during peak demand periods and in a drought situation.



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

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

17. Note #7 on the Site Plan shall be revised to refer to Section 239-n of the New York State General Municipal Law.

18. Note #8 on the Site Plan is incomplete and missing information about the benchmark. This information must be provided.

19. An underground parking plan must be provided, showing access, structural supports, and handicapped parking spaces.

20. **The Rockland County Department of Planning requests the opportunity to review any variances that may be requested to implement the revised subdivision plan, as required by New York State General Municipal Law, Section 239 – m (3)(a)(v).**

21. The Rockland County Department of Highways reviewed the Site Plan and provided the following comments:

A copy of the drainage calculations need to be forward for additional review and approval. There shall be a Zero Net increase in storm water runoff from this site.

A copy of the traffic impact study shall be provided for additional evaluation. A discussions shall be made regarding the need to adjust the phasing sequence together with the Hollows development near by and add turning lanes to assist traffic flow. Existing and proposed signage along Veterans Memorial Drive shall be shown on the Site Plan.

The cumulative effects from the overall major impacts at the surrounding areas along Veterans Memorial Drive corridor shall be presented with a comprehensive study and consideration.

**PB #08-55: TOWN OF ORANGETOWN PLANNING BOARD DECISION**

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Continuation of condition #21.....

Rockland County Highway Department Work Permit will be required prior to the start of excavation or construction performed with this project.

Separate additional Rockland County Highway Department Road Opening Permits will be necessary should the applicant find it necessary to improve and/or upgrade any existing sanitary sewer or utility connections which involve disruption to the paved surface within Veterans Memorial Drive.

22. 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.

**23.** The Town of Orangetown Bureau of Fire Prevention review the Site Plan and provided the following comments:

All driveways/roadways must be a minimum of 26 feet wide curb to curb, to allow emergency vehicles access. In addition, there shall be an unobstructed height of 13 feet six inches maintained at all times in all roadways/driveway area.

All paved areas other than designated/marked parking spots shall be Fire Lanes. (Signs and appropriate striping shall be provided and maintained by owner).

The driveway on the west side of the building is in excess of 300 feet in length, therefore, a turnaround designed as per code must be constructed.

**Requirements for Dead-End Fire Apparatus Access Roads**

<b>LENGTH (feet)</b>	<b>WIDTH (feet)</b>	<b>TURNAROUNDS REQUIRED</b>
0-150	20	None required
151-500	20	120 foot Hammerhead, 60 foot "Y" or 96 foot diameter cul-de-sac in accordance with Figure D103.1

The access road in the rear of the building shows a width of 12 feet using pavers and grasscrete. This needs to be widened, and it is the experience of the Bureau with grasscrete that during the winter months, proper snow removal does not take place. In addition, proper curb cuts to allow for access must be provided.

**PB #08-55: TOWN OF ORANGETOWN PLANNING BOARD DECISION**

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**14.** 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.

**15.** 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 Highway
- Rockland County Drainage Agency
- Rockland County Department of Health
- Rockland County Sewer District #1
- Town of Orangetown Zoning Board of Appeals

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

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

**18. 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.

**PB #08-55: TOWN OF ORANGETOWN PLANNING BOARD DECISION**

**The Promenade Assisted Living Facility Site Plan; Preliminary Approval Subject to Conditions/ Neg. Dec.**

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**19.** All landscaping shown on the subdivision plans shall be maintained in a vigorous growing condition throughout the duration of the use of this site. Any plants not so maintained shall be replaced with new plants at the beginning of the next immediately following growing season.

**20.** 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.

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

**22.** 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).

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

**24.** 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

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

The foregoing Resolution was made and moved by Bruce Bond and seconded by Andy Stewart 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 28, 2009**

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

**The Promenade Assisted Living Facility Site Plan; Preliminary Approval Subject to Conditions/ Neg. Dec.  
PB #08-55**

**January 28, 2009**

The site is located at 582 Veterans Memorial Drive, Pearl River, New York; north side of Veterans Memorial Drive, 0 feet from the intersection of Gilbert Avenue, Pearl River, New York. Tax Map: 73.05/1/53.1; OP zoning district.

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: The Promenade Assisted Living Facility Site Plan**

SEQR STATUS: Type I \_\_\_\_\_ Unlisted XXXXXX

CONDITIONED NEGATIVE DECLARATION: Yes \_\_\_\_\_ No XXXXXX

**DESCRIPTION OF ACTION: Site Plan Review**

**LOCATION:** The site is located at 582 Veterans Memorial Drive, Pearl River, New York; north side of Veterans Memorial Drive, 0 feet from the intersection of Gilbert Avenue, Pearl River, New York. Tax Map: 73.05/1/53.1; OP 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

**PB #09-04- TOWN OF ORANGETOWN PLANNING BOARD DECISION;  
STEJ LLC., Orangetown Family Entertainment Center Facility Site Plan–  
(STEJ, LLC. Orangetown Sport Center Site Plan)  
Reaffirmation of the Approved Site Plan for the Types of Recreational Uses  
presented to the Orangetown Town Board and Reaffirmation of SEQRA  
January 28, 2009  
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TO: Donald Brenner, 4 Independence Avenue, Tappan, NY  
FROM: Orangetown Planning Board

The application of STEJ. Inc., Applicant, (Donald Brenner, attorney for the applicant) for Reaffirmation of the Approved Site Plan for the Types of Recreational Uses presented to the Orangetown Town Board and Reaffirmation of SEQRA; at a site to be known as “STEJ, LLC., Orangetown Family Entertainment Facility Site Plan”, in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21A of the Code of the Town of Orangetown. The site is located on the north side of Old Orangeburg Road, approximately 500 feet east of the intersection with Veterans Memorial Drive, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 73.11, Block 1, Lot 1 (portion) and Section 73.11, Block 1, Lot 2 (portion) in the RPCR zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, January 28, 2009**, at which time the Board made the following determination:

Donald Brenner and .....appeared and testified for the applicant.

The Board received the following communications:

1. A Project Review Committee Report dated January 21, 2009.
2. Interdepartmental memorandums signed by John Giardiello, P.E., Director of the Office of Building, Zoning and Planning Administration and Enforcement, Town of Orangetown, dated January 28 & 7, 2009.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering, (DEME) Town of Orangetown, signed by Bruce Peters, P.E., dated January 22, 2009.
4. A letter from the Rockland County Department of Planning, signed by Salvatore Corallo, Commissioner of Planning, dated January 26, 2009.
5. A letter from the Rockland County Department of Highways, signed by Sonny Lin, P.E., dated January 26, 2009.
6. A letter from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated .....2009.
7. A letter from Rockland County Sewer District #1, signed by Joseph LaFiandra, Engineer II, dated January 20, 2009.

**PB #09-04- TOWN OF ORANGETOWN PLANNING BOARD DECISION;  
STEJ LLC., Orangetown Family Entertainment Center Facility Site Plan–  
(STEJ, LLC. Orangetown Sport Center Site Plan)  
Reaffirmation of the Approved Site Plan  
for the Types of Recreational Uses  
presented to the Orangetown Town Board  
and Reaffirmation of SEQRA  
January 28, 2009  
Page 2 of**

8. A letter from Rockland County Drainage Agency, signed by Edward Devine, Executive Director, dated ....2009..
9. A copy of PB #05-43, Final Site Plan Approval Subject to Conditions, dated May 25, 2005.
10. A copy of a publication entitled Orangetown Family Entertainment Facility, prepared by AEVI, Aquatic Development Group, Inc. Bristin Brook Brynon and SCI, dated September 2008.

The Board discussed the information presented.

Public Comments:

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

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

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

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

On motion by Bruce Bond and seconded by Kevin Garvey and carried as follows: Bruce Bond, aye; 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.

**DECISION: In view of the foregoing and the testimony before the Board, the application was GRANTED A .....PPROVAL 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. JG (1/28/09)**

**The applicant and attorney representing the STEJ Recreation Center had appeared before the Orangetown Town Board on December 15, 2009 to present modifications of the recreational uses previously approved by the Town Board. The previous recreational uses consisted of two ice rinks, indoor soccer, and other ancillary recreational/ entertainment services. The new recreational uses being proposed are an ice rink, bowling, pool facilities, community center and other ancillary recreational/ entertainment services. On December 15, 2008, the Town Board determined the amended uses fell within the RPC-R zone district uses.**

**The applicant's attorney, Mr. Donald Brenner, indicated at the Town Board Meeting of December 15, 2008, the approved Site Plan would not change. Therefore, the representative for this application appearing before the Planning Board shall state on the record that the approved Site Plan will not be altered in any way. If the Site Plan is to change, then the applicant will require a Site Plan Amendment.**

**The Planning Board shall review the new recreational uses being proposed and reaffirm the Site Plan and SEQRA approvals relative to the new types of recreational uses being proposed. The Planning Board may request additional information to support the reaffirmation.**

**DEME (1/22/09)**

DEME has no objection to the reaffirmation of the approved Site Plan for the types of recreational uses presented to the Orangetown Town Board and reaffirmation of SEQRA. However, the proposed detention pond, which this site will tie into, shall be constructed prior to beginning construction on this site.

**1/20/09 RCSEWER**

14. 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.

3. The Site Plan shall contain a Zoning Bulk Table.

4. The parking calculations indicate a reduction in parking spaces below the required number of parking spaces. Therefore, a variance needs to be sought from the Town of Orangetown Zoning Board of Appeals.



5. The proposed Garden Center expansion will require review and approval by the Town of Orangetown Architecture and Community Appearance Board of Review.

6. The Short Environmental Assessment Form, item #8 needs to be answered "No" and the variances listed.

7. The Drainage Consultant to the Planning Board reviewed the Plan and found that : The site is located between Greenbush Road on the west and NYS Route 303 on the east approximately 1500-ft north of the Palisades Interstate Parkway in Orangeburg, NY. The 12.03 acre site contains an existing building and existing paved driveways and parking areas with access from Route 303 and Greenbush Road. The Applicant proposes to expand the existing garden center. A Drainage Plan and Drainage Calculations have not been provided.

It appears that the proposed expansion of the existing garden center will be constructed on top of existing impervious surfaces such as concrete slabs and asphalt pavements. The Applicant shall document actual existing conditions by providing an Existing Conditions Plan. The Existing Conditions Plan shall show all existing conditions including existing pervious and impervious surfaces within the work area, and shall indicate any proposed change in those surfaces (i.e. from pervious to impervious or vice versa). The square footage of each proposed surface change shall be indicated on the Plan. The Plan shall show all existing underground utilities, including all drainage lines and existing grade contours.

The proposed site plan shows new canopies and shade structures. Sheet P-1 shows a proposed plumbing plan and indicates that new 4-in and 6-in roof drains will be connected to an existing 6-in drain and that another 4-in roof drain will be connected to a new storm line. Civil details of the new storm line are referenced but not provided. Calculations must be provided to show that the existing and proposed drains have adequate capacity. Receiving storm sewers for these drains must also be shown on the plans with appropriate details.

If the impervious area does not increase under developed conditions, there should be a zero net increase in runoff rate and we would probably recommend acceptance for drainage, possibly subject to conditions. If there is an increase in impervious area there will be an increase in runoff rate, and the Applicant should be directed to submit a drainage plan, supported by calculations to demonstrate that there will be a zero net increase in runoff rate from the developed site under a 24-hr, 100-yr Type III storm.

**RCPLG 1/26/09 letter**

**7.. The Rockland County Department of Planning had the following recommendations:**

An updated letter from the Rockland County Highway Department shall be obtained and all required permits acquired.

Since the Site Plan provided for this application is reduced in size, it is not possible to read all of the details. A large scale Site Plan shall be provided so that all details can be read and all of the notes on the approved Site Plan can be included. Examples of details that are difficult to read are the minor modifications that appear to have been made at the northeast and southeast corners of the building footprints.

Rockland County Department of Planning continues to be concerned that there is only one access proposed for this site, and that this access will also be the only access to serve adjacent sites designated for future development. Even with the proposed emergency access and the re-opening of the eastern end of Old Orangeburg Road, Rockland County Department of Planning is concerned that there will not be an adequate system for dispersing traffic and for providing emergency vehicle access to the family entertainment facility and adjacent recreation facilities. Therefore, it is recommended that multiple accesses be provided to this site. These accesses shall connect to as many roads as possible, including Convent Road and another location on Old Orangeburg Road.

It is the understanding of Rockland County Department of Planning that the Town may be planning a road that will come from the east towards the family entertainment facility site, off of 3<sup>rd</sup> Avenue, and serve the playing fields immediately to the east of the family entertainment facility. If this is the case, this additional access, which will provide circulation for general traffic and emergency vehicle via Convent Road, shall be connected to the family entertainment facility site.

Rockland County Department of Planning is concerned with the adequacy of a single 30-foot wide roadway to the family entertainment facility. The width of the proposed access road shall be increased and redesigned with a boulevard type entrance with landscape median strip, so that if one side is blocked by an accident or other occurrence, this access will still be available via the other side of the road.

It is noted that a condition of Preliminary Site Plan Approval was that the Town of Orangetown and STEJ shall jointly fund the signalization of the intersection of Old Orangeburg Road and Veterans Memorial Drive. The new signal shall be coordinated with the signals at the Blue Hill North Road and Blaisdell Road intersections with Veterans Memorial Drive. There may be a need to reconfigure the geometry of Old Orangeburg Road where it meets Veterans Memorial Drive, particularly with regard to the angle of the approach to Old Orangeburg Road. Consideration shall also be given to whether a dedicated left turn lane is needed for the turn from Old Orangeburg Road into Veterans Memorial Drive.

The proposed signal may change traffic patterns for the office and industrial parks to the south (workers looking to go west who now use the Blaisdell traffic signal may choose to use the newly signalized intersection). The Rockland County Highway Department shall be satisfied that the traffic study takes this into consideration, including what improvements may be needed to accommodate the change in traffic patterns, such as additional lanes where Hunt Road intersects Veterans Memorial Drive.

A schematic drawing shall be provided showing how the proposed facility relates to development planned by the Town of Orangetown to the north and west. The schematic drawing, even if some of its elements are tentative and rely on others, shall be provided as part of the drawing set for the family entertainment facility.

It appears that the fronts of parked cars will overhang portions of the sidewalks that are proposed on islands in the parking lot. Car stop blocks shall be provided or a grassed strip, so that sufficient room is provided to prevent vehicles from overhanging into the sidewalks and to provide a comfort zone for pedestrians. In addition, these sidewalks shall be connected to clearly delineate crosswalks over the site access road.

Circulations by pedestrians between the ball fields immediately to the east and the family entertainment facility shall be provided. Since the family entertainment facility and emergency access way are proposed to be at a higher elevation than the ball fields to the east, a plan for how pedestrians will transverse the change in grad shall be provided. Also, an explanation must be provided regarding what

family entertainment center facilities, such as restrooms, will be made available to users of the ball fields.

The RPCR zoning district regulations indicate that buildings in an RPCR District shall be designed in such a manner that views are attractive from multiple vantage point, including surrounding roads, trails, open spaces areas and other uses. The regulations further indicate that parking and loading areas shall be landscaped to adequately buffer buildings, parking and loading areas, and a landscape plan provide as part of site plan approval. The landscape plan shall include provides that allow various vantage points to be evaluated, as well as supplemental landscaping to further buffer the buildings, parking and loading areas from the public vantage points. The landscaping plan previously submitted did not adequately address these issues. Also, since the building appearance and footprint configuration are proposed to change, accommodating changes may need to be made in the landscaping plan.

Detailed plans shall be provided that show where the support structures will be located for the underground parking proposed for employees.

In reviewing the minutes of the Orangetown ACABOR, it is noted that they received a set of architectural plans dated October 15, 2004. A copy of these plans are requested, or more recently updated plans for review. The plans submitted for review shall clearly identify the square footage of space designated for each of the various uses in the family entertainment facility.

There were notes on the previously approved site plans indicated improvements, such as roadway and sidewalk improvements, drainage sewage service and other utilities to be provided "by others". Since there are major infrastructure improvements needed to support the proposed family entertainment facility, the parties providing these shall be determined prior to final site plan approval and specified on the Site Plan. If the Town is providing specific infrastructure supports, this shall be clearly stated.

In Note #28 on the approved site plan it was stated that storm drainage shall be conveyed off site to a central stormwater management facility. It is also noted that the ACAV+BOR meeting minutes contain a reference indicating that drainage from the subject property will be to a Town owned site. Then engineering and legal mechanisms for this plan must be in place prior to Final Site Plan Approval. In the alternative, the subject site shall be designed so that there will be no net increase in stormwater runoff from the site.

A signage plans shall be provided that meets all Town requirements

A review must be completed and approval obtained from the Rockland County Department of Health for any project that requires extending the public sewer system.

Projects requiring water main extensions and all public water supply improvements shall be reviewed by the Rockland County Department of Health prior to construction. Plans must be signed and stamped by a New York State Professional Licensed Engineer and shall be accompanied by a completed NYS Department of Health Form 348, which must be signed by the public water supplier.

Water is a scarce resource in Rockland County; thus proper planning and phasing of this project are critical to supplying the current and future residents of the Towns, Villages and County with an adequate supply of water. A letter from the public water supplier, stamped and sealed by a NYS licensed professional engineer, shall be issued to the municipality for this project, certifying that there will be a sufficient water supply during peak demand periods and in a drought situation.

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 Control.

#### **18. RCH 1/26/09**

Rockland County Highway Department Work Permit reviewed the requested action and offered the following comments for consideration:

The STEJ submittal shall include a narrative outlining the proposed changes and reconfigurations from the approved building and Site Plan. The applicant shall offer a discussion of the proposed usage for the possible impact on the traffic flow.

Plans submitted shall indicate either the Town or the Developer, will be responsible to construct/install the traffic light and turning lanes and other public improvements suggested in the traffic impact studies as part of this project.

James J. Dean, Orangetown Superintendent of Highways has presented to the Rockland County Highway Department on November 21, 2008, a Traffic Signal Design for Hunt Road/Old Orangeburg Road at the intersection of Orangeburg Road. Rockland County Highway Department response has indicated that they are concerned with the overall impact from the developments on this intersection. The proposed traffic signal design makes no mention of the left turn movement from Orangeburg Road as well as Old Orangeburg Road. A signal warrant study and proposed traffic signal phasing sequence and operations are needed for Rockland County Highway Department review and approval.

A revised plan shall be submitted to Rockland County Highway Department for review and approval demonstrating that the proposed turning movements, new signals and marking for the above (Old Orangeburg Road, Orangeburg Road and Hunt Road intersection) will provide a safe and efficient flow of traffic and improvements needed to accommodate the change in traffic patterns.

Rockland County Highway Department is in favor of reconnection of Old Orangeburg Road with Orangeburg Road at the east end as a viable means to access the entire site and to alleviate future congestion. The Orangetown Highway Department has stated previously that it had no interest in the reconnection.

Rockland County Highway Department recommends that this project should be incorporated into a broader comprehensive traffic study for the Veterans Memorial Drive/Orangeburg Road corridor due to the various other large-scale projects being considered for development in the vicinities.

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

**M. Bett**

**16.** The Town of Orangetown Fire Prevention Bureau had the following comments in regards to the expansion to Lowes Garden Center:

Maintain the required Fire Lanes around the building and note on the Site Plan.

Install a Key Box (form provided by the Town of Orangetown Fire Prevention Bureau) on the north end of the new proposed gate in the rear of the building and provide a key for the locks.

Maintain at least a 20 foot wide drive through within the fence from north to south. This shall be noted and labeled on the Site Plan.

Extend the garden center dry Sprinkler system and provide calculations that the sprinkler system will continue to meet the demand of the sprinkler system.

Show egress plan (Travel Distance) on the Site Plan and the required exists.

**17. DEAN**

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

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

**18. 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: (1) 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. (2) 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.

**19.** 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.

**20.** 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.

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

**22.** 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).

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

**24.** 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

**25.** 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 Anthony Iurica and carried as follows: Bruce Bond, aye; Anthony Iurica, aye; William Young, absent; John Foody, aye; Robert Dell, nay, Jeffrey Golda, absent 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 28, 2009**

Planning Board	OBZPAE	RC Planning	RC Drainage	RC Highway
Env. Mgt. Eng.	LMS	own Board	Assessor	Town
Attorney				
PRC	Supervisor			

**(FROM PRELIMINARY DECISION)**

**22.** The following agencies do not object to the Town of Orangetown Planning Board assuming

responsibilities of lead agency for SEQRA purposes:

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

**9.** Drainage calculations, are under review by DEME. However, the applicant's engineer shall indicate whether the proposed home footprints are included in the calculations for the new impervious area.

**10.** A note shall be added to the subdivision plat indicating that the ownership and maintenance of the proposed detention pond shall be the responsibility of the Homeowners Association.

**11.** Neither the Town of Orangetown Highway Department nor the Engineering Department have interest in owning proposed Lot #5. The applicant shall discuss the proposed ownership of this lot with the Planning Board.

**12.** Profiles for the proposed sanitary sewer and storm sewer mains shall be added to the plans.

- 13. A maintenance and access easement shall be given to the Town of Orangetown Sewer Department to cover the new sanitary sewer main. This shall include the proposed turn around.
- 14. Detailed information regarding the proposed storage pond/basin shall be supplied (i.e. storage capacity at certain elevations, berm reinforcing, access for future maintenance, etc.)
- 15. The proposed road widening along Sparkill Avenue is not required.
- 16. The drawing shall be modified to show cleanouts on the proposed sanitary house connections.
- 17. The proposed sanitary house connection inverts shall be given on the plans.
- 18. A detail for the proposed sanitary doghouse manhole in William Street shall be added to the plans.
- 19. A sanitary sewer house connection detail shall be added to the plans.

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

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:** SEQR STATUS: Type I \_\_\_\_\_  
Unlisted XXXXXX

CONDITIONED NEGATIVE DECLARATION: Yes \_\_\_\_\_  
No XXXXXX

**DESCRIPTION OF ACTION: Plan Review**  
**LOCATION:**

**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