

**TOWN OF ORANGETOWN PLANNING BOARD
MEETING OF JANUARY 9, 2008**

MEMBERS PRESENT:

Robert Dell, Chairperson, Kevin Garvey, Vice-Chairperson, Anthony Iurica, Jeffrey Golda and Bruce Bond

MEMBERS ABSENT: William Young and John Foody

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 7:35 P.M.

Mr. Dell 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 from October 24, 2007 Meeting:

Vicente Site Plan Prepreliminary/preliminary Site Plan and SEQRA Review/ Critical Environmental Area 71.17/1/22; R-22 zone	Postponed to January 23rd Meeting	PB #07-62
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Sapienza Subdivision Plan Critical Environmental Area Prepreliminary/Preliminary Subdivision Plan and SEQRA Review 65.20/1/7; R-22 zone	Postponed	PB #07-72
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Perry Site Plan Prepreliminary/Preliminary Site Plan and SEQRA Review Critical Environmental Area 71.05/2/12.2; RG zone	Postponed	PB #07-11
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Continued from June 27, 2007 Meeting:

Valentine - Cook Site Plan Amendment Amendment to Approved Site Plan Prepreliminary/Preliminary Site Plan and SEQRA Review 74.07/1/13; LIO zone	Preliminary Approval Subject to Conditions	PB #06-77
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Hyun Minor Subdivision Plan Final Subdivision Plan Review 78.18/2/13; R-40/80 zone	Final Approval Subject to Conditions	PB #08-01
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50 Ramland Road Site Plan

Final Site Plan Review
73.10/1/30; LIO zone

Final Approval

Subject to Conditions

PB #08-02

Tappan Plaza Site Plan

Amendment to Final Planning Board Decision
77.15/1/34; CS zone

Amendment Granted

PB #08-03

The decisions of the December 12, 2007 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; Anthony Iurica, aye; Jeffrey Golda, aye, John Foody, absent and William Young, absent.

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

Since there was no further business to come before the Board, a motion to adjourn the meeting was made by Anthony Iurica, seconded by Kevin Garvey and agreed to by all in attendance. The meeting was adjourned at 8:35 P.M.

The next Planning Board meeting is scheduled for January 23, 2008.

DATED: January 9, 2008

Planning Board Town of Orangetown

**TOWN OF ORANGETOWN
PLANNING BOARD DECISION**

**Valentine – Cook Site Plan
Preliminary Site Pan Approval
Subject to Conditions/Neg. Dec.**

**PB #06-77
January 9, 2008
Page 1 of 14**

TO: Zaki Albanna
Dominick Pilla Associates
23 Depew Avenue
Nyack, NY 10960

FROM: Orangetown Planning Board

RE: The application of Dominick Pilla Associates, applicant, Paul W. Valentine and Hugo Cook, owners for Prepreliminary/Preliminary Site Plan Amendment Review for a Site Plan to be known as “**Valentine – Cook Site Plan**”, in the Critical Environmental Area, in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21A of the code of the Town of Orangetown. The site is located at 515 Route 303, Orangeburg, Town of Orangetown, Rockland County, New York and as shown on the Orangetown Tax Map as Section 74.07, Block 1, Lot 13 in the LIO zoning district.

Heard by the Planning Board of the Town of Orangetown at meetings held **October 11, 2006, June 27 and January 9, 2008**, at which time the Board made the following determinations:

October 11, 2006

Robert Hoene and Edward Cook appeared and testified.

The Board received the following communications:

1. A Project Review Memo dated October 4, 2006.
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 11, 2006.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering, (DEME) Town of Orangetown, signed by Bruce Peters, P.E., dated October 5, 2006.
4. A letter from HDR/LMS, signed by Harvey Goldberg, P.E., dated October 1, 2006.
5. Letters from the Rockland County Department of Planning, signed by Eileen Miller, dated September 11, 2006 and Salvatore Corallo, Commissioner of Planning, dated September 12, 2006.
6. Letters from Rockland County Drainage Agency signed by Edward Devine, Executive Director, dated October 10 & May 18, 2006 and November 7, 2005.

7. Letters from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated September 11, 2006.
8. A letter from Rockland County Sewer District #1, signed by Joseph LaFiandra, Engineer II, dated September 25, 2006.
9. A letter from the Town of Orangetown Zoning Board of Appeals, signed by William Mowerson, dated September 8, 2006.
10. Letters from the New York State Department of Transportation, signed by Mary Jo Russo, P.E., Rockland County Permit Engineer, dated September 11 & 19, 2006.
11. An interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by Michael Bettmann, Chief Fire Inspector, dated September 5, 2006.
12. A Short Environmental Assessment Form signed by Zaki Albanna, dated April 21, 2006.
13. A copy of a Filed Site Plan prepared by Robert Torgersen, Landscape Architect, and Steven Sparaco, P.E., dated January 18, 1990, last revised July 7, 2006.
14. A copy of the following Board decisions: ZBA #04-86, Extension of Term to implement Variances granted in ZBA #00-67, dated September 13, 2004.

The Board reviewed the plans

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

June 27, 2007

Edward Cook and Dominick Pilla appeared and testified.

The Board received the following communications:

1. A Project Review Memo dated June 20, 2007.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated June 27, 2007.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering, (DEME) Town of Orangetown, signed by Bruce Peters, P.E., dated June 21, 2007.

4. A letter from HDR/LMS, signed by Harvey Goldberg, P.E., dated June 1, 2007.
5. A letter from the Rockland County Department of Planning, signed by Salvatore Corallo, Commissioner of Planning, dated June 20, 2007.
6. A letter from Rockland County Department of Highways, signed by Alfonso Custodio, Jr., Senior Engineering Technician, dated June 4, 2007.
7. A Short Environmental Assessment Form signed by Hugo Cook and Paul W. Valentine, dated May 18, 2007.
8. Site Plans prepared by Dominick Pilla Associates, dated May 15, 2007:
 - SP-1: Proposed Building Site Development Plan
 - SP-2: Notes & Details
9. A copy of Board decision: ZBA #05-100, Extension of Term to implement Variances granted in ZBA #00-67 and ZBA #04-86, dated October 5, 2005.

The Board reviewed the plans

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

January 9, 2008

Dominick Pilla appeared and testified.

The Board received the following communications:

1. A Project Review Memo dated January 2, 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 January 9, 2008.
3. Letters from HDR/LMS, signed by Harvey Goldberg, P.E., dated November 19, 2007 and, January 3, 2008.
4. Site Plans SP00, SP01, SP02, SP03, SP04 & SP05 and drainage calculations, prepared by Dominick R. Pilla Associates, P.C., Engineering & Architecture, dated December 27, 2007.
5. A letter from the Rockland County Department of Planning, signed by Salvatore Corallo, Commissioner of Planning, dated December 5, 2007.

6. A letter from the New York State Department of Transportation, signed by Mary Jo Russo, P.E., Rockland County Permit Engineer, dated December 4, 2007.
7. A letter from Rockland County Department of Highways, signed by Joseph Arena, Principal Engineering Technician, dated November 15, 2007.
8. A letter from Rockland County Drainage Agency signed by Edward Devine, Executive Director, dated November 26, 2007.
9. A letter from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated November 9, 2007.
10. A letter from Rockland County Sewer District #1, signed by Joseph LaFiandra, Engineer II, dated November 28, 2007.
11. An interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by Michael Bettmann, Chief Fire Inspector, dated November 26, 2007.
12. A letter from the New York State Department of Environmental Conservation, Division of Environmental Permits, Region 3, signed by Alexander F. Ciesluk, Jr. Deputy Regional Permit Administrator, dated November 29, 2007.

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

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

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

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

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

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

1. Rockland County Department of Planning requests the opportunity to review any variances that may be required from the Town of Orangetown Zoning Board of Appeals in order to implement the Site Plan.

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

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

- 4.** Under the “Parking Area Calculations” on the Site Plan, the required parking spaces for Warehouses and Office Space show a value of “6,375” under “Required Parking Spaces”, when calculating the number of spaces. This value needs to be changed to “6,162” for Warehouse and “4,900” for Office Space. The total number of required parking spaces appears to be correct according to the above values being proposed.
- 5.** The Town of Orangetown Zoning Board of Appeals variances that were approved for the original site plan expired on October 22, 2006. Reapproval of the original variances and a new height variance for the proposed 32 foot height will need to be sought from the Zoning Board of Appeals.
- 6.** Overnight storage of vehicles and equipment must be within the enclosed building. If outside storage is proposed on the property, then the Zoning Board of Appeals would need to grant a zoning variance.
- 7.** The Town of Orangetown Architecture and Community Appearance Board of Review shall review the proposed two story building.
- 8.** Due to the age of the previously approved plans, a new Storm Water Pollution Prevention Plan, including revised SESC Plans, drainage calculations and a maintenance plan, shall be prepared on the Site Plan.
- 9.** The page and liber or instrument number, as well as and ownership, for all easements/dedications shall be shown on the plan.
- 10.** The plans shall show the entire proposed sanitary sewer building connection running from the proposed building to the Town owned main.
- 11.** The proposed silt fence shall be depicted to run along the contours, not across them.
- 12.** Typical details shall be included with the drawings (i.e. manhole frame cover with cover details – including Town name and date, curbing, pavement, etc.).
- 13.** The Drainage Consultant to the Planning Board had the following comments: The site is located on the east side of Route 303 between Route 303 and the Sparkill Creek. Site topography slopes downward from west to east toward the Sparkill Creek. The 100-year flood level is shown on the plan at El 81.6. The Applicant proposes to construct a new two-story block building and associated site improvements including paved circulation areas and parking for 43 vehicles, concrete curbs, site grading and drainage.

In the Drainage Consultant’s previous review letter dated November 19, 2007, it recommended that the Applicant be directed to submit drainage calculations, details, sections, etc, 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.

The current plan shows the proposed two-story building with paved driveway and parking areas with driveway access from Route 303. An on-site storm sewer system is also shown along with a proposed detention system consisting of 3-ft diameter perforated pipe inside 10-ft and 15-ft wide by 4.5-ft deep stone infiltration trenches. Revised drainage calculations and details have been provided.

Based on its review of the current submittal, the Planning Board's Drainage Consultant believes that the proposed plan can be made to achieve a zero net increase in runoff rate from the developed site and therefore recommends acceptance for drainage subject to the following conditions:

- The Catch Basin Detail is labeled Concrete Curb instead of Catch Basin and must be revised. The detail must include a plan view of the catch basin and must include all dimensions. The Drainage Consultant has reconsidered the need for the Catch Basin Traps for the catch basins on the 36-in storage pipes, and finds that they may be omitted due to the raised grates in the swales, low velocities in the 36-in pipe, large pipe size and easy access for cleaning of the pipes. The 15-in traps must remain.
- The combined length of the three storage trenches is 516-ft in the calculations. The length of each trench must be indicated on the plans.
- The site is adjacent to the Sparkill Creek and will require a permit from the Rockland County Drainage Agency for any development within their jurisdiction.
- The Rockland County Department of Health shall be contacted to determine if a mosquito breeding avoidance plan is needed, and the Applicant shall obtain their approval of such plan if required.

14. Rockland County Department of Planning requests the opportunity to review any variances that may be required from the Town of Orangetown Zoning Board of Appeals in order to implement the Site Plan.

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

16. A review shall be completed by the Rockland County Drainage Agency, and all required permits obtained. A revised permit application must be submitted.

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

18. Water scarce is a 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.

19. 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.

20. A grading plan shall be provided that demonstrates that there will be adequate protection from storm water runoff from the site, both in terms of Quantity and quality, for the wetlands on site and for the Sparkill Creek.

21. The site plan shall indicate whether the wetlands on site are under the jurisdiction of the U.S. Army Corps of Engineers or the New York State Department of Transportation. A review shall be completed by the appropriate wetlands regulatory agency and all required permits obtained. In addition, clear delineation of the wetlands must be provided on the plan.

22. The Town shall be satisfied that the proposed site plan is in compliance with the intent and requirements of the Route 303 Overlay Zone, as appropriate.

23. All signs to serve the development shall be shown on the site plan and conform to the Town sign regulations.

24. Public sewer mains requiring extensions within a right of way or an easement shall be reviewed and approved by the Rockland County Department of Health prior to Construction.

25. It would be helpful if a narrative were to be provided explaining the current conditions on the site and the proposed changes.

26. The Rockland County Department of Highways reviewed the plans and found that a Zero Net increase of storm water runoff must be achieved to prevent any adverse effect upon the County Roadway (Greenbush Road) &/or the Sparkill Creek.

27. The Rockland County Drainage Agency (RCDA) reviewed this proposal and based on the information provided and maps available to the RCDA, the site has been determined to be inside jurisdiction of the RCDA. A permit from the RCDA pursuant to the Rockland County Stream Control Act, Chapter 846, is required. A RCDA Permit Application signed by Edward Cook and dated June 23, 2005, has been submitted to the RCDA. However, the RCDA offers the following comments:

1. By letter dated April 10, 2006, Paul W. Valentine informed the RCDA that he, and Edward Cook, together purchased the property. In response, RCDA sent a comment letter to Paul W. Valentine dated May 18, 2006, requesting that one new RCDA Permit Application be completed by all of the applicant(s), and submitted to RCDA. The RCDA Permit Application must be signed and dated by all property owners. In addition, the RCDA requested a copy of the current deed to the site. To date, RCDA has not received a response from the applicant address this request. The application and current deed must be submitted to RCDA together with a written request to amend the original RCDA Permit Application to include all new property owners.
2. The current revised "Valentine-Cook Building" project drawings and Drainage Calculations prepared by Dominick Pilla Associates, signed and stamped by Dominick Richard Pilla, P.E., must be formally submitted to RCDA in triplicate, together with the information requested in Comment No 1. as listed above.

28. The sewer service connection for this project will connect to an existing sewer that is tributary to the District's Lower Main Interceptor sewer on Route 303. Since this project is located outside of Rockland County Sewer District No. 1 boundaries, the owner must request to connect to District's sewers. A permit application for that connection must be submitted to the Executive Director, which must be supplemented by any plans, specifications, insurance indemnification, or other information considered pertinent in the judgment of the Executive Director. The application must be accompanied by:

- a. Resolution from the municipality in which this project is located, which approves the hookup of the sewer from this project to the Rockland County Sewer District No. 1 sewer system.
- b. An out-of-district connection fee of two thousand five hundred dollars (\$2,500.00) per connected unit, or as established by resolution of the Board of Sewer Commissioners, which must be paid within thirty (30) days of the Board's approval of the connection.

Continuation of #28.....

- c. The annual sewer use fee for operation and maintenance, which must be paid within ten (10) days of sewer service becoming available and pro-rated as of that date.
 - d. The area benefit fee, which commences on the date of the Board of Sewer Commissioners' approval of the project. [Area benefit is calculated by an annual tax rate per one hundred dollars (\$100.00) of assessed value. This fee must be paid before release of approval.]
 - e. An executed copy of a covenant agreeing to abide by the rules, laws and regulations of the District and its Law, as it may be amended, including the payment of annual sewer use fees and annual area benefit fees. This covenant must be:
 - i. In recordable form, including all prior mortgages or other encumbrances,
 - ii. Accompanied by requisite fees for recording as set forth by the County Clerk,
 - iii. Accompanied by an up to date Title Report and paid policy of Title Insurance,
 - iv. Acknowledged by owner of the land, and
 - v. Accompanied by a complete site survey and property description.
- 29.** The site plan shows that the proposed sewer for this project ties into an existing sewer stub. However, the site plan also includes a detail for a sewer connection to an existing sewer main with a saddle. If the proposed sewer for this project will connect directly to the District's sewer main with a saddle per the detail, then a hookup permit must be obtained from the District. This will require submittal of all necessary insurance, bonds, indemnification, and permit fees, and approval of the detail for connecting to the existing sewer.
- 30.** Details for sanitary sewer construction must comply with the District's construction standards.
- a. The proposed sewer service construction connection is tributary to District sewers, and is thereby subject to District standards. Where District requirements are stricter than Orangetown requirements, the former shall apply.
 - b. Per the "House Connection Sect. View" detail on the Site Plan, the District recommends and approves the use of a check valve on the service connection to the Lower Main Interceptor sewer.
 - c. The drawing does not include a trench detail. The applicant shall use the District's "Pipe Trench Backfill Detail" and "Trench Sections".

31. Rockland County Sewer District No. 1 requires sanitary sewer construction to conform to District standards. This includes but is not limited to relative air, vacuum and deflection testing of mainline sewer and manhole construction. The District must receive and approve certification of test results from a licensed professional engineer before approving the sewers on this project.

32. In order to reduce infiltration into the system, the District requires that the precast and doghouse sanitary manhole construction in accordance with the District's standards. The District's standard details require the joints to have butyl rubber seals with *mortar in and out, and then to be coated with "Infi-shield" EPDM rubber seal wrap or approved equal.*

33. As this is a non-residential project, Rockland County Sewer District No. 1's "Commercial/Non-Residential Wastewater Questionnaire" must be submitted to and approved by Rockland County Sewer District No. 1, before any sewage is discharged into the District's sewage system.

34. Rockland County Sewer District No. 1 requests the submission of as-built drawings of the proposed sanitary sewer extension to be made a condition of granting a Certificate of Occupancy.

35. Details for the sanitary sewer connection are subject to approval by the Town of Orangetown.

36. Rockland County Department of Health (RCDOH) reviewed the plan and found that application is to be made to RCDOH for review of the storm water management system for compliance with the County Mosquito Code. The applicant's engineer shall contact Brian Hunderfund at RCDOH.

37. The Town of Orangetown Fire Prevention Bureau reviewed the plans and offered the following conditions:

Fire Lanes and No Parking Areas shall be shown on the Final Approved Site Plan.

38. The New York State Department of Environmental Conservation has reviewed the circulated documents, and it appears that the project may require the Department permits as follows:

Article 15, Protection of Waters

Compliance with the SPDES General Permit for Stormwater Discharges from Construction Activities

Cultural Resources

39. The New York State Department of Transportation (NYSDOT) has the following comments

The profile of the NYSDOT right of way shall be shown for both the driveway section and the lawn. Highway drainage shall be maintained.

The width and limits of the asphalt shoulder shall be shown on the Plan View.

Curb limits shall be shown on the Plan View.

40. 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 Sewer District #1
- Rockland County Drainage Agency
- Rockland County Department of Highway
- New York State Department of Transportation
- Rockland County Department of Health
- Town of Orangetown Zoning Board of Appeals

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

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

43. 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.

Continuation of #43.....

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.

44. 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.
45. 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.
46. The contractor's trailer, if any is proposed, shall be located as approved by the Planning Board.
47. 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).
48. Permanent vegetation cover of disturbed areas shall be established on the site within thirty (30) days of the completion of construction.
49. 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
50. 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: Robert Dell, aye; Kevin Garvey, aye; Bruce Bond, aye; Anthony Iurica, aye; William Young, absent; John Foody, absent; and Jeffrey Golda, aye.

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

Dated: January 9, 2008

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

Valentine – Cook Site Plan
Preliminary Site Pan Approval
Subject to Conditions/Neg. Dec.

PB #06-77
January 9, 2008
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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: **Valentine – Cook 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 515 Route 303, Orangeburg, Town of Orangetown, Rockland County, New York and as shown on the Orangetown Tax Map as Section 74.07, Block 1, Lot 13 in the LIO 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

**TOWN OF ORANGETOWN
PLANNING BOARD DECISION**

**Hyun Minor Subdivision Plan
Final Subdivision Plan Approval
Subject to Conditions
Palisades Historic District**

**PB #08-01
January 9, 2008
Page 1 of 7**

TO: Jay Greenwell, PLS
85 Lafayette Avenue
Suffern, NY10901

FROM: Orangetown Planning Board

RE: The application of Mikyon Hyun, owner, for a two lot subdivision to be known as "Hyun Minor Subdivision", in the Palisades Historic District, in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21 of the code of the Town of Orangetown. The site is located at 139 Washington Spring Road Palisades, Town of Orangetown, Rockland County, New York and as shown on the Orangetown Tax Map as Section 78.18, Block 2, Lot 13 in the R-40/80 zoning districts.

Heard by the Planning Board of the Town of Orangetown at meetings held **Wednesday, January 9, 2008**, at which time the Board made the following determinations:

Jay Greenwell and Miki Hyun appeared and testified.

The Board received the following communications:

1. Project Review Report dated January 2, 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 January 9, 2008.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E. dated January 3, 2008.
4. A letter from HDR/LMS, signed by Harvey Goldberg, P.E., dated December 12, 2007.
5. A letter from the Rockland County Department of Planning, signed by Salvatore Corallo, Commissioner of Planning, dated January 7, 2007.

6. A letter from Rockland County Highway Department, signed by Joseph Arena, Principal Engineering Technician, dated November 29, 2007.
7. An interdepartmental memorandum from the Office of Parks & Recreation, Town of Orangetown, signed by Richard L. Rose, Jr., Superintendent, dated December 12, 2007.
8. A letter from the John Paulding Engine Company #1, Sparkill-Palisades Fire District, signed by John Bruch, Chief, dated January 6, 2008.
9. Subdivision Plans prepared by Jay Greenwell, PLS:
Sheet 1: Subdivision Plan, dated June 30, 2006, revised November 11, 2007
Sheet 2: Grading/Drainage/Utility & Erosion Control, dated September 12, 2006, revised November 7, 2006
Sheet 3: Subsurface Sewage Disposal System, dated October 5, 2006
Sheet 4: Detail Sheet. Dated February 9, 2007, revised November 7, 2007
10. A letter from the Department of Army, New York District, Corps of Engineers, signed by Michael G. Vissichelli, Chief, Eastern Permits Section, with an attachment of a Notification of Administrative Appeal Options and Process and Request Appeal, dated October 1, 2007 and a cover letter signed by Jay Greenwell, PLS, dated October 12, 2007.
11. A copy of a letter signed by Paul Gdanski, PE., Gdanski Consultants, Inc., to Harvey Goldberg, P.E., HDR/LMS, dated November 6, 2007.
12. Board Decisions: ACABOR #07-59, Approved Subject to Conditions, dated October 2, 2007, ZBA #07-72, Approved with Conditions, dated July 18, 2007 and PB #07-03, Preliminary Approval Subject to Conditions, dated April 11, 2007.

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

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

1. The applicant shall provide a Covenant of No further Subdivision of the property, subject to review and approval in substance and form, to the Town of Orangetown Town Attorney's Office.
2. The following note shall be placed on the Subdivision Plan: One week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a meeting."

- 3.** The following note shall be placed on the Subdivision Plan: Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.
- 4.** A Conservation Easement shall be delineated on the easterly side of the property with snowfencing. The applicant shall provide a legal document to the subject to review and approval in substance and form, to the Town of Orangetown Town Attorney's Office.
- 5.** The revised drainage calculations and revised soil erosion and sediment control plans and details are currently under review by DEME.
- 6.** The Drainage Consultant recommends acceptance for drainage subject to the following conditions: The Applicant proposes to subdivide a 3.924-acre parcel on the south side of Washington Spring Road and east of Highland Road (a private road) into two lots. The proposed plan shows an existing 1-1/2 story dwelling on Lot 1 that will remain, in addition to an existing cottage that will be converted into an accessory structure (studio/workshop) that will not be used for habitation. Lot 2 will contain a proposed new dwelling and gravel driveway that will extend to the existing private gravel road (Highland Avenue).

In the Drainage Consultant's previous review letter dated April 1, 2007, they recommended acceptance for drainage subject to several conditions, the following of which have not been satisfied.

- A detail of the driveway catch basin has been provided. However, the proposed sump should be 24-in deep not 18-in, and a catch basin trap to prevent debris from entering the storage chambers must be added.
- A cross-sectional detail of the inlet and overflow pipe has been provided. However, calculations for sizing the pipes have not been submitted.
- Provide a plan and section detail for the stone aprons at the outlet of the overflow pipes, and calculations for sizing the aprons (i.e. include a marked nomograph for sizing the aprons).
- If Highland Road is a private road, then an easement will be required for the driveway from Lot 2. This issue must be clarified with the Board and appropriate notes added to the plans (see April 11, 2007 Decision Item 13).

7. The legal mechanism by which the lots will have access to Highland Avenue, a private road, must be explained and referenced on the plan. Notes on the plat shall also explain the responsibilities of the owners of lot 1 and lot 2 with regard to maintenance of Highland Avenue. It would also be helpful to indicate the ownership of Highland Avenue right of way.

8. A review shall be completed by the US Army Corp of Engineers and any required permits obtained.

9. There shall be no net increase in stormwater runoff.

10. All subdivision maps must be signed by the Chairman of the Rockland County Drainage Agency (RCDA) before the Rockland County Clerk will accept for filing. The final approved subdivision map must be submitted to the RCDA for review.

11. Water scarce is a 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.

12. 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.

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

14. The existing structure on the site is an example of classic Dutch Colonial architecture known as the George Mann House of 1784 (as described in Historic Houses of Palisades New York). The design of the subdivision and the construction on the newly created lot shall be such that they will not detract from the character of the Palisades Historic Area and that the historic character of the George Mann House and the associated features within its surroundings will be preserved to the extent possible.

15. The Rockland County Department of Highway reviewed the plan and information provided and found that the proposed action would have no foreseeable adverse effect upon county roads in the area.

16. The Sparkill-Palisades Fire District offered the following conditions:

The Orangetown Planning Board has granted home expansion and new home development on Highland Avenue without additional hydrants. This has increased the fire load on the existing hydrant system. The fire hydrants supporting the increase fire load are located on Washington Spring Road east of Highland Avenue and the corner of Washington Spring Road and Woods Road.

In the event of a fire related incident when hoses are deployed from the above hydrants, this would cut off other emergency services and access to the community.

The subdivision prepared by Jay Greenwell, PLS, LLC is incorrect. Fern Road does not cross Route 9W and does not connect to Highland Avenue. Access into Highland Avenue is only from Washington Spring Road.

In order to address the concerns of the Sparkill-Palisades Fire District, the **applicant shall request United Water to install a new six inch fire line and hydrant on Highland Avenue, where they are planning to connect the proposed dwelling. The hydrant shall be noted on the subdivision plan.**

17. Prior to signing the Subdivision Map, the applicant shall provide Money in Lieu of Recreational Land, in accordance with Section 21-20 of the Land Development Regulations of the Town of Orangetown; \$9,000.00 for every new residential lot created. The applicant shall also provide money to be placed into the Stream Maintenance Fund, at the amount of \$80.00 for every new residential lot created.

18. 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.

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

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

21. If the applicant, during the course of construction, encounters such conditions as flood areas, underground water, soft or silty areas, improper drainage, or any other unusual circumstances or conditions that were not foreseen in the original planning, such conditions shall be reported immediately to DEME. The applicant shall submit their recommendations as to the special treatment to be given such areas to secure adequate, permanent and satisfactory construction. DEME shall investigate the condition(s), and shall either approve the applicant's recommendations to correct the condition(s), or order a modification thereof. In the event of the applicant's disagreement with the decision of DEME, or in the event of a significant change resulting to the subdivision plan or site plan or any change that involves a wetland regulated area, the matter shall be decided by the agency with jurisdiction in that area (i.e. Wetlands - U.S. Army Corps of Engineers).

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

23. Prior (at least 14 days) to the placing of any road sub-base, the applicant shall provide the Town of Orangetown Superintendent of Highways and DEME with a plan and profile of the graded road to be paved in order that these departments may review the drawings conformance to the approved construction plans and the Town Street Specifications

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

The Board made a motion to override Condition #9 in the letter from the Rockland County Department of Planning, signed by Salvatore Corallo, Commissioner of Planning, dated January 8, 2008, for the following reasons:

"#9. We previously requested the opportunity to review any variances that may be required to implement the proposed subdivision plan, as required by New York State General Municipal Law, Section 239-m (3)(a)(v). It is our understanding that the Orangetown Zoning Board of Appeals, reviewed and acted upon variances that were requested to implement the subject subdivision plan on July 18, 2007, though no review had been requested from or provided by this Department. Variances for properties such as the subject property must be referred to this Department based upon the requirements of Section 239-m of the General Municipal Law.

The Board held that the applicant indicated that the requested variances had been on the subdivision plat since the inception of the planning process and that the County Planning Department had ample time to review the requested variances.

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

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

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

Dated: January 9, 2008
Planning Board

**TOWN OF ORANGEOWN
PLANNING BOARD DECISION**

**50 Ramland Road Site Plan
Final Site Plan Approval
Subject to Conditions**

**PB #08-02
January 9, 2008
Page 1 of 8**

TO: John Atzl
Atzl, Scatassa & Zigler
234 North Main Street
New City, NY 10956

FROM: Orangetown Planning Board

RE: The application of 50 Ramland, LLC, owner for Final Site Plan Review for the review of a proposed 28,000SF addition to an existing building on an 8.19-acre parcel along with 56 additional parking spaces and paved driveway surface at a site known as "**50 Ramland Road 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 21 of the code of the Town of Orangetown. The site is located at 50 Ramland Road, Orangeburg, Town of Orangetown, Rockland County, New York and as shown on the Orangetown Tax Map as Section 73.10, Block 1, Lot 30 in the LIO zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, January 9, 2008**, at which time the Board made the following determinations:

John Atzl, Uri Sasson and Donald Brenner appeared and testified.

The Board received the following communications:

1. Project Review Report dated January 2, 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 January 9, 2008.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E. dated January 3, 2008.
4. A letter from HDR/LMS, signed by Harvey Goldberg, P.E., dated December 22, 2007.
5. A letter from the Rockland County Department of Planning, signed by Salvatore Corallo, Commissioner of Planning, dated January 7, 2007.
6. A letter from Rockland County Highway Department, signed by Joseph Arena, Principal Engineering Technician, dated November 29, 2007.
7. Comment handout sheet prepared by the applicant, dated November 6, 2007; Responding to Comments of May 23, 2007.

8. Site Plans prepared by Atzl, Scatassa & Zigler, dated April 10, 2006, last revised October 30, 2007:

Drawing 1: Site Development Plan & Commercial Subdivision Plan

Drawing 2: Detention Pond, Cross-Sections and Details

Drawing 3: Tree Map

9. Board Decisions: PB #06-47, Preliminary Approval Subject to Conditions, dated May 23, 2007, ACABOR #07-65, Approved Subject to Conditions, dated October 16, 2007 and ZBA #07-85, Approved with Conditions, dated September 5, 2007.

The Board reviewed the plans.

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

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

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

3. All Site Plans shall be signed and sealed by both a Professional Land Surveyor and a Professional Engineer.

4. The revised drainage calculations are currently under review. However, a maintenance agreement (in accordance with NYSDEC Phase II regulations) for the proposed stormwater systems shall be submitted to DEME and the Town of Orangetown Town Attorney's Office for review and approval. Said agreement shall include a maintenance and management schedule for both basins, inspection check lists, contact person with telephone number, yearly report to be submitted to DEME, etc.

5. The proposed silt fence shall encompass all proposed work (i.e. the overflow pipe and riprap from proposed basin #2).

6. The ownership for all existing easements shall be given on the plans.

7. The name and New York State DEC classification number for the existing stream shall be given on the plans, if applicable.

8. The Drainage Consultant to the Planning Board recommends acceptance for drainage subject to the following conditions:

The Applicant proposes to construct a new 28,000SF addition to an existing building on an 8.19-acre parcel along with 56 additional parking spaces and paved driveway surfaces. The site is located on the southeast corner of the intersection of Blaisdell and Ramland Roads. Two streams that flow in a southerly direction along the westerly and southeasterly property lines drain the site. The Applicant proposes to provide two detention basins to achieve a zero net increase in runoff rate from the developed site.

In the Drainage Consultant's previous review letter dated May 12, 2007, they recommended acceptance for drainage subject to a number of conditions, the following of which have not been satisfied:

- The previous submittal proposed detention basins with permanent pool elevations of 0.2-ft and 0.9-ft, which were too shallow and would cause the water to become stagnant. The current submittal shows a 4-in underdrain pipe system beneath 4-in of gravel to drain each pond. Thus the ponds will not have permanent pools and these words should be deleted from the details.
- The Rockland County Department of Health (RCDOH) must be contacted to determine if a mosquito breeding avoidance plan is needed, and the Applicant shall obtain their approval of such plan if required. A copy of the RCDOH approval letter must be submitted.

Continuation of Condition # 8...

- The stone aprons at the end of the outlet pipes from detention basins 1 and 2 are designed for 18CFS and 4.55CFS respectively. They must be designed for the peak flow rate that flows into the detention basin (not the outlet flow rate), plus additional peak flow rates that enter the pipe between the basin and the apron. The minimum D50 stone size should be 6-in. Revised calculations in accordance with NYS Erosion Control Guidelines must be provided.
- The outlet storm sewer from Basin 1 is shown as 30-in on the plan and 24-in on the apron detail. The 24-in dimension must be revised to 30-in.

9. A review shall be completed by the US Army Corps of Engineers with regard to planned site development that could affect the wetlands.

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

11. Prior to grading or construction on the site, a Soil Erosion and Sediment Soil Erosion and Sediment Control Plans and details shall be submitted to the Town of Orangetown Department of Environmental Management and Engineering for review and approval. The Soil Erosion and Sediment Control Plan shall meet the NYS Guidelines for Urban Erosion and Sediment Control.

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

13. 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.

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

15. Updated signage, lighting and landscaping plans that meet all Town requirements shall be provided.

16. The Rockland County Department of Highways reviewed the plans and information provided and based the fact that the Applicant stated that there will only be an increase of 5 to 10 truck per day and the type of tenants will be "service tenants not distribution tenants", based upon the plans and information provided, the project should have no foreseeable adverse impact upon county roads in the area.

17. The applicant shall provide documentation regarding dedication of the strip of land to be dedicated to Rockland County, located along Blaisdell Avenue. The documentation will be subject to review and approval in substance and form by the Town Attorney's Office.

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

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

20. The following note shall be placed on the site map:

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

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

One (1) foot radius from trunk per inch DBH

Drip line of the Tree Canopy

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

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

Light Impacts Only – Installation of ¾ inch of plywood or boards, or equal over the area to be protected. The builder or its agent may not change grade within the tree protection zone of a preserved tree unless such grade change has received final approval from the Planning Board. If the grade level is to be changed more than six (6) inches, trees designated to be preserved shall be welled and/or preserved in a raised bed, with the tree well a radius of three (3) feet larger than the tree canopy.

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

22. 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.

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

24. 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).

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

26. 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

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

The Board made a motion to override Conditions #5, #6, #7 & #10 from the Rockland County Department of Planning, signed by Salvatore Corallo, Commissioner of Planning, dated January 7, 2008, for the following reasons:

Condition #5. "Water scarce is a 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."

The Board held that the proposed project was an addition to an existing structure and that there would be no modification to the impact on the water system.

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

Condition #6. “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 Board held that the proposed project was an addition to an existing structure and that there would be no modification to the impact on the water system.

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

Condition #7. “ Public sewer main requiring extensions within a right of way or an easement shall be reviewed and approved by the Rockland County Department of Health prior to construction.”

The Board held that the proposed project was an addition to an existing structure and that there would be no change in the sewer main lines.

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

Condition #10. “ It is our understanding Orangetown Zoning Board of Appeals, reviewed and acted upon variances that were requested to implement the subject revised site plan. It is our understanding that this took place on September 5, 2007, though no review had been requested from or provided by this Department. Variances for properties such as the subject property must be referred to this Department based upon the requirements of Section 239-m of the General Municipal Law.

The Board held that the applicant indicated that the requested variances had been on the site plan since the inception of the planning process and that the County Planning Department had ample time to review the requested variances.

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

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

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

Dated: January 9, 2008

Planning Board

BY: _____

decd.

Planning Board OBZPAE RC Planning RC Drainage RC Highway
Env. Mgt. Eng. LMS Town Board Assessor Town Attorney
PRC Supe RCPlanning

**TOWN OF ORANGETOWN
PLANNING BOARD DECISION**

**Tappan Plaza Site Plan
Amendment to Final Decision PB #07-06, dated
February 28, 2007, Subject to Conditions**

**PB #08-03
January 9, 2008**

TO: Panagiotis Zacharakis
46 Route 303
Tappan, NY 10983

From: Town of Orangetown Planning Board

RE: An Amendment to the application of Panagiotis Zacharakis, applicant, for Orangetown Plaza, owner, for Final Decision PB #07-06, dated February 28, 2007, for the Site Plan Review for a Site Plan to be known as "**Tappan Plaza Site Plan**", in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21A of the code of the Town of Orangetown. The site is located at 37 Route 303, Tappan, Town of Orangetown, Rockland County, New York and as shown on the Orangetown Tax Map as Section 77.15, Block 1 Lot 34 in the CS zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held Wednesday, January 9, 2008, at which time the Board made the following determinations:

Panagiotis Zacharakis appeared and testified

The Board received the following communication:

1. A letter from the New York State Department of Transportation, signed by Mary Jo Russo, P.E., Rockland County Permit Engineer, dated January 8, 2008, with attachments of a Planting List and a drawing depicting the proposed landscaping.
2. Copies of PB #07-06, Final Planning Site Plan Approval Subject to Conditions, dated February 28, 2007, PB #06-83, Preliminary Site Plan Approval Subject to Conditions, dated November 8, 2006 and ACABOR #06-74, Approved with Condition, dated December 6, 2006.
3. Site Plan prepared by M-DIS Design Group, dated January 17, 2007, last revised July 27, 2007, signed and sealed by Reza Khamcy, P.E.
4. Photographs of the existing site.

The Board reviewed the plan.

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

DECISION: In view of the foregoing and the testimony before the Board, the application was **GRANTED AN AMENDMENT TO THE FINAL DECISION, PB #07-06, DATED FEBRUARY 28, 2007, SUBJECT TO THE FOLLOWING CONDITIONS:**

1. While New York State Department of Transportation can not require the following work, it is **recommended** the permittee close one of the existing entrances before finalizing the landscaping. Presently the center turn lane dose not work effectively as left turns out of the parking lot are blocked by vehicles turning into the adjacent entrance. This will improve the traffic flow and safety for the patrons to the plaza and traffic on Route 303.
2. Holly shall be used in place of the Low Weeping Specimen and the Dwarf Evergreen Specimen in the Landscaping on the Site Plan.
3. Planting shall not be done before the Spring Planting season.
4. No snow or ice shall be piled in the area of the plantings.
5. The plantings shall be planted on a berm, minimum height of 36" above curb height and 18 inch in width.

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

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 9, 2008

Planning Board BY: _____ decd.
Planning Board OBZPAE RC Planning RC Drainage RC Highway
Env. Mgt. Eng. LMS Town Board Assessor Town Attorney
PRC Supervisor

