

Meeting of July 13, 2011
TOWN OF ORANGETOWN PLANNING BOARD

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

MEMBER ABSENT: Andy Stewart

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

Kevin Garvey, 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:

Berezin Goldberg Site Plan Final Site Plan Critical Environmental Area 71.13/1/36; R-22 zoning district	Postponed to September 14th Meeting	PB #11-27
4 & 6 Depot Square Studio Plan Prepreliminary/Preliminary Site Plan And SEQRA Review 77.08/4/25 & 26; CS zoning district	Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec.	PB #11-28
Bond Minor Subdivision Plan Reapproval of Final Subdivision Plan And Reaffirmation of SEQRA Review 68.12/6/50; RG zoning district	Reapproval of Final Subject to Conditions Reaffirmation of SEQRA	PB #11-29
Edge Landscaping Site Plan Amendment Prepreliminary/ Preliminary/ Final Site Plan Amendment and And SEQRA Review 74.11/1/13; LI zoning district	Preliminary Approval of Amendment to the Site Plan Subject to Conditions/ Neg. Dec.	PB #11-30
Garvey Sculpture Studio Plan Prepreliminary/Preliminary/ Final Conditional Use Permit And SEQRA Review 74.07/1/17; LIO zoning district	Granted Conditional Use Permit/ Neg. Dec.	PB #11-31
Pearl River School District Subdivision Plan Prepreliminary/ Preliminary/ Final Subdivision Plan And SEQRA Review 68.11/2/41.1; R-15 zoning district	Preliminary Approval Subject to Conditions Neg. Dec.	PB #11-32

Other Business:

Blue Hill Plaza Car Port: The Board reviewed and determined that a proposed car port to be constructed over an existing parking area at the Blue Hill Plaza Office site does not need to be reviewed by the Planning Board. The Board recommended that the applicant appear in front of the Architecture and Community Appearance Board of Review for review of the aesthetics of the application.

The decisions of the June 22, 2011 Planning Board Meeting was reviewed, edited and approved. The motion for adoption was made and moved by William Young and seconded by Jeffrey Golda and carried as follows: Robert Dell, abstain; Kevin Garvey, aye; Bruce Bond, aye, Jeffrey Golda, aye; John Foody, aye; Andy Stewart, absent 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 Kevin Garvey and seconded by Bruce Bond and agreed to by all in attendance. The meeting was adjourned at 10:00 p.m. The next Planning Board meeting is scheduled for July 27, 2011.

DATED: July 13, 2011
Town of Orangetown Planning Board

**PB #11-28: 4 & 6 Depot Square Site Plan– Preliminary Site Plan Approval
Subject to Conditions/ Neg. Dec.**

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

RE: 4 & 6 Depot Square Site Plan: The application of Joseph Printz, applicant, for Real Buy, LLC and ELP LLC, owner, (David Englander, Attorney for the applicant), for Prepreliminary/Preliminary Site Plan Review for a site to be known as “**4 & 6 Depot Square 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 and to determine the environmental significance of the application pursuant to the requirements of the New York State Environmental Quality Review Act. The site is located at 4 & 6 Depot Square, Sparkill, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 77.08, Block 4, Lots 25 & 26 in the CS zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, July 13, 2011**, the Board made the following determinations:

Jay Greenwell, Margaret Fowler and Joseph Printz appeared and testified. The Board received the following communications:

1. Project Review Committee Report dated July 6, 2011.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated July 13, 2011.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., July 7, 2011.
4. Letters from Dominick R. Pilla Associates, PC., dated June 10 & 16, 2011, signed by Dominick R. Pilli, P.E., C.E., S.E., R.A.
5. A letter from the Rockland County Department of Planning, signed by Thomas B. Vanderbeek, Commissioner of Planning, dated July 11, 2011.
6. A letter from the Rockland County Department of Highways, signed by Sonny Lin, P.E., dated July 12, 2011.
7. Letters from the Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated June 1, 2011.
8. A letter from the Rockland County Drainage Agency, signed by Vincent Altieri, dated June 8, 2011.
9. A letter from the Rockland County Sewer District, signed by Joseph LaFiandra, Engineer, II, dated June 15, 2011.

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10. A letter from the Bureau of Fire Prevention, Town of Orangetown, signed by Michael Bettmann, Chief, dated June 7, 2011, with an attachment.
11. A letter from the Town of Orangetown Zoning Board of Appeals, signed by William Mowerson, dated May 1, 2011.
12. Plans prepared by Jay Greenwell, PLS, LLC, and dated January 31, 2011
 - Site Plan, revised May 4, 2011.
 - Details
13. A Hydraulic Analysis and Stormwater Design Calculation Report prepared by Paul Gdanski, P.E., dated April 23, 2011.
14. A Short Environmental Assessment Form, dated May 5, 2011, signed by R. Joseph Printz.
15. A copy of a letter to Dominick R. Pilla Associates, signed by Jay A. Greenwell PLS, dated June 15, 2011.

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

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

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After having identified the relevant areas of environmental concern, namely drainage, surface water runoff, land clearing, vegetation, fauna, traffic and noise levels, and after having taken a hard look at said environmental issues, and after having deliberated regarding such concerns, and having heard from the applicant, the applicant's professional representatives, namely Jay Greenwell, PLS, and the Town of Orangetown's engineering consultant, Dominick R. Pilli Associates and having heard from the following offices, officials and/or Departments: (Town of Orangetown): Project Review Committee, Office of Building, Zoning, Planning Administration and Enforcement and Department of Environmental Management and Engineering, Bureau of Fire Prevention; and having heard from the following involved and interested agencies: Town of Orangetown Zoning Board of Appeals, Rockland County Department of Highways, Rockland County Drainage Agency, Rockland County Sewer District #1, Rockland County Department of Health, and having reviewed a proposed Site Plan by prepared by Jay Greenwell, PLS, a summary of the reasons supporting this determination are, and the Planning Board finds that the proposed action:

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

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

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

1. The following note shall be placed on the Site Plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a Pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a Meeting."
2. Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations
3. A fence shall be installed to run along the western rear property line with a gate.
4. The drainage calculations are currently under review by DEME.
5. The existing sanitary sewer building connections shall be shown on the Site Plan.
6. The applicant is advised that the Town of Orangetown has a new F.O.G.(Fat, Oil and Grease) program, which must be complied. The applicant shall contact the Town's F.O.G. Coordinator to determine if this criteria is applicable.
7. All existing easements shall be shown on the plan, including page and liber or instrument number and ownership.
8. The applicant is proposing to reoccupy an existing restaurant and convert/rebuild an existing residence into a commercial building for retail and offices.

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9. The following variances shall be sought from the Town of Orangetown Zoning Board of Appeals:

	Lot #25	Lot #26
a) Minimum Lot Area Required is 2,500 sf. (CS, Group FF, Col. 5)	2,040 sf. existing	
b) Minimum Street Frontage Required is 25 ft. (CS, Group FF, Col. 7)	0 ft. existing	10 ft.
c) Minimum Front Yard Required is none or 45 ft. (CS, Group FF, Col. 8)	8.1 ft existing	26.2 ft. existing 25 ft. proposed
d) Minimum Side Yard Required is 0 or 12 ft. (CS, Group FF, Col. 9)		0.4 ft. existing 0.6 ft. proposed
e) Minimum Total Side Yard Required is 0 or 25 ft. (CS, Group FF, Col. 10)		4.2 ft. existing 4.4 ft. proposed
f) Minimum Rear Yard Required is 25 ft. (CS, Group FF, Col. 11)	1.7 ft. existing	25 ft. existing
g) Maximum Building Height Allowed Allowed is 22 ft. (CS, Group FF, Col. 12)	1.7 ft .existing	25 ft. existing
h) Maximum Development Coverage 75% Allowed (Note 14 of Notes to Use and Bulk Tables)	92% existing 95% proposed	77% proposed

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10. The Minimum Side Yard proposed for Tax Lot #25 is 0 and would not require a Variance. The Bulk Table shall be corrected accordingly.

11. Parking will require a variance from the Town of Orangetown Zoning Board of Appeals, however the reconfiguration of the 3 parking spaces along Depot Square will change the parking variance requested.

12. The Short Environmental Assessment Form appears to be in order.

13. The Drainage Consultant to the Planning Board, Dominick R. Pilla Associates, reviewed the Site Plan recommend approval of the proposed scope of drainage work subject to the following comments:

1) Verify the bottom invert elevation of proposed drywell (47.5') is at least three feet vertically from the seasonally high water table or bedrock layer. Verify groundwater table elevation with test pit, as necessary.

2) It is recommended that 80% (218.5 ft³ based on submitted calculations) of the total increase in stormwater runoff be accommodated by the storage volume of the system to account for peak storage in lieu of preparing inflow and storage hydrographs.

3) Additional conditions may be added based on responses to these comments.

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

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

2) There shall be no net increase in the peak rate of discharge from the site at all design points.

3) all proposed signage shall be indicated on the Site Plan and shall conform to the municipality's sign standards.

4) Since the loading access is over adjacent property, will an easement be needed?

5) Given the proposed increase in impervious surface coverage, to almost 95 percent, it is recommended that pervious pavers be used.

6) The Bulk Table on the Site Plan contains reference to A and B, but there is no note explaining these items. This shall be corrected.

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

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15. The Rockland County Department of Highways reviewed the material provided and found the proposed action will have no foreseeable adverse impact upon County roads in the area. However, since parking shall be contained on-site for its needs in accordance with Town Zoning Code requirements, it may be prudent for the Town to evaluate the availability of existing public parking spaces in the immediate vicinity as to whether it may have reached its capacity for the proposed development.

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

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

18. 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.

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

- In the restaurant:

- 1)** Install and maintain an NFPA 72 compliant Fire Alarm System to cover both buildings. Connected to Rockland County 44-Control, with amber strobes as per Orangetown Town Code.
- 2)** Make the hood system compliant to NFPA 96.
- 3)** Install "K" type extinguisher in the kitchen.
- 4)** Install and maintain portable fire extinguishers as required by NFPA 10.
- 5)** Install Emergency Lighting as per NEC.

- In the former single family "Change of Use" to M & B:

- 1)** Install and maintain an NFPA 72 compliant Fire Alarm System.
- 2)** Provide Portable Fire Extinguishers as per NFPA 10.
- 3)** Install Emergency Lighting as per NEC.
- 4)** Provide fire separation as per Table 302.3.2 and Table EB 812.4.3.

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20. The following agencies do not object to the Town of Orangetown Planning Board assuming responsibilities of lead agency for SEQRA purposes:

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

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

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

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

- a. No construction equipment shall be parked under the tree canopy.
 - b. There will be no excavation or stockpiling of earth underneath the trees.
 - c. Trees designated to be preserved shall be marked conspicuously on all sides at a 5 to 10 foot height.
 - d. The Tree Protection Zone for trees designated to be preserved will be established by one of the following methods:
 - One (1) foot radius from trunk per inch DBH
 - Drip line of the Tree Canopy. The method chosen should be based on providing the maximum protection zone possible. A barrier of snow fence or equal is to be placed and maintained one yard beyond the established tree protection zone. If it is agreed that the tree protection zone of a selected tree must be violated, one of the following methods must be employed to mitigate the impact:
 - Light to Heavy Impacts – Minimum of eight inches of wood chips installed in the area to be protected. Chips shall be removed upon completion of work.
 - Light Impacts Only – Installation of ¾ inch of plywood or boards, or equal over the area to be protected.
- The builder or its agent may not change grade within the tree protection zone of a preserved tree unless such grade change has received final approval from the Planning Board. If the grade level is to be changed more than six (6) inches, trees designated to be preserved shall be welled and/or preserved in a raised bed, with the tree well a radius of three (3) feet larger than the tree canopy.

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24. 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.

25. 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.

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

27. 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).

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

29. 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

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

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

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

Dated: July 13, 2011
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attachment

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NEGATIVE DECLARATION

Notice of Determination of Non-Significance

**4 & 6 Depot Square Site Plan– Preliminary Site Plan Approval Subject to
Conditions/ Neg. Dec.**

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: 4 & 6 Depot Square 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 4 & 6 Depot Square, Sparkill, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 77.08, Block 4, Lots 25 & 26 in the CS 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 #11-29: Bond Minor Subdivision – Reapproval of Final Subdivision Plan Approval Subject to Conditions/ Neg. Dec.

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TO: Bruce Bond, 210 North Main Street, Pearl River, New York 10965
FROM: Orangetown Planning Board

RE: Bond Minor Subdivision Plan: The application of Jean and Bruce Bond, owners, for Reapproval of the Final Subdivision Plan Review (PB #01-61, PB #95-162, PB #94-76), for a site to be known as “**Bond Minor Subdivision**”, 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 and to determine the environmental significance of the application pursuant to the requirements of the New York State Environmental Quality Review Act. The site is located at 210 North Main Street, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 68.12, Block 6, Lot 50 in the RG zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, July 13, 2011**, the Board made the following determinations:

Bruce Bond appeared and testified. Mr. Bond is a member of the Planning Board and recused himself from the proceedings of this item.

The Board received the following communications:

1. Project Review Committee Report dated July 6, 2011.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated July 13, 2011.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., July 7, 2011.
4. Letters from the Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated June 1 & 14, 2011.
5. A letter from the Rockland County Drainage Agency, signed by Vincent Altieri, dated July 7, 2011.
6. A letter from William Mowerson, Chairman, Town of Orangetown Zoning Board of Appeals, dated June 15, 2011.
7. Copies of the following Board Decisions: PB#92-67, Proceed, dated September 9, 1992; PB #94-76, Final Subdivision Approval, dated July 27, 1994; PB #95-162, Reapproval of Final Subdivision Approval, dated January 10, 1996; PB #01-61, Final Subdivision Plan Approval Subject to Conditions, dated May 9, 2001; and PB #02-19, Extension to File and Establish Value of Performance Bond, dated February 13, 2002.

PB #11-29: Bond Minor Subdivision – Reapproval of Final Subdivision Plan Approval Subject to Conditions/ Neg. Dec.

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8. Subdivision Plan prepared by Robert Rahnenfeld, PLS, dated January 19, 1989, last revised November 27, 1995.

9. A letter from HDR Consulting Engineers, signed by Joseph R. Sagan, P.E., dated July 13, 1994.

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 John Foody and second by William Young and carried as follows:

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

REAFFIRMATION OF SEQRA

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

After having identified the relevant areas of environmental concern, namely drainage, surface water runoff, land clearing, vegetation, fauna, traffic and noise levels, and after having taken a hard look at said environmental issues, and after having deliberated regarding such concerns, and having heard from the applicant, the applicant's professional representatives, namely Robert Rahnenfeld, PLS and the Town of Orangetown's engineering consultant, HDR, and having heard from the following offices, officials and/or Departments: (Town of Orangetown): Project Review Committee, Office of Building, Zoning, Planning Administration and Enforcement and Department of Environmental Management and Engineering, and having heard from the following involved and interested agencies: Town of Orangetown Zoning Board of Appeals, Rockland County Department of Health, Rockland County Drainage Agency, and having reviewed a proposed Subdivision Plan by prepared by Robert Rahnenfeld, PLS, a summary of the reasons supporting this determination are, and the Planning Board finds that the proposed action:

PB #11-29: Bond Minor Subdivision – Reapproval of Final Subdivision Plan Approval Subject to Conditions/ Neg. Dec.

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

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

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

1. The following note shall be placed on the subdivision":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."

PB #11-29: Bond Minor Subdivision – Reapproval of Final Subdivision Plan Approval Subject to Conditions/ Neg. Dec.

Town of Orangetown Planning Board Decision

July 13, 2011

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2. Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations
3. The applicant shall comply with all pertinent and applicable conditions of previous Board Decisions: PB#92-67, Proceed, dated September 9, 1992; PB #94-76, Final Subdivision Approval, dated July 27, 1994; PB #95-162, Reapproval of Final Subdivision Approval, dated January 10, 1996; PB #01-61, Final Subdivision Plan Approval Subject to Conditions, dated May 9, 2001; and PB #02-19, Extension to File and Establish Value of Performance Bond, dated February 13, 2002.
4. The Short Environmental Assessment Form appears to be in order.
5. The applicant shall make application to Rockland County Department of Health for a for Sewer Extension.
6. Based upon the Rockland County Drainage Agency (RCDA) evaluation of available mapping and information submitted, it has been determined that the proposed activity is outside the jurisdiction of the RCDA. Therefore, a permit from the RCDA pursuant to Chapter 846, Rockland County Stream Control Act, is not requested based upon review of the information provided. Please be advised that Rockland County Stream Control Act, Chapter 846, required that all subdivision maps must be signed by the Chairman of the Rockland County Drainage Agency before the Rockland County Clerk will accept same for filing.
7. The following agencies do not object to the Town of Orangetown Planning Board assuming responsibilities of lead agency for SEQRA purposes:
 - Rockland County Health Department
 - Town of Orangetown Zoning Board of Appeals
 - Rockland County Drainage Agency
8. The applicant shall comply with all pertinent items in the Guide to the Preparation of Subdivision Plans prior to signing the final plans.
9. All reviews and approvals from various governmental agencies must be obtained prior to stamping of the Subdivision Plan.

PB #11-29: Bond Minor Subdivision – Reapproval of Final Subdivision Plan Approval Subject to Conditions/ Neg. Dec.

**Town of Orangetown Planning Board Decision
July 13, 2011
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10. TREE PROTECTION: The following note shall be placed on the Subdivision 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.

11. 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.

PB #11-29: Bond Minor Subdivision – Reapproval of Final Subdivision Plan Approval Subject to Conditions/ Neg. Dec.

**Town of Orangetown Planning Board Decision
July 13, 2011
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12. 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.

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

14. 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).

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

16. 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

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

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

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

Dated: July 13, 2011
Town of Orangetown Planning Board
attachment

PB #11-29: Bond Minor Subdivision – Reapproval of Final Subdivision Plan Approval subject to Conditions/ Neg. Dec.

**Town of Orangetown Planning Board Decision
July 13, 2011**

**REAFFIRMATION OF 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: Bond Minor Subdivision

SEQR STATUS: Type I _____ Unlisted XXXXXX

CONDITIONED NEGATIVE DECLARATION: Yes _____ No XXXXXX

DESCRIPTION OF ACTION: Subdivision Plan Review

LOCATION: The site is located at 210 North Main Street, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 68.12, Block 6, Lot 50 in the RG 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 #11-30: Edge Landscaping Site Plan Amendment – Preliminary Site Plan Amendment Subject to Conditions/ Neg. Dec.

Town of Orangetown Planning Board Decision

July 13, 2011

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TO: Donald Brenner, 4 Independence Avenue, Tappan, New York
10983

FROM: Orangetown Planning Board

RE: Edge Landscaping Site Plan Amendment: The application of John McIntyre, owner, (Donald Brenner, Attorney for the owner), for Prepreliminary/Preliminary/Final Site Plan Amendment, at a site know as “**Edge Landscaping Site Plan Amendment**”, 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 and to determine the environmental significance of the application pursuant to the requirements of the New York State Environmental Quality Review Act. The site is located at 25 Greenbush Road, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 74.11, Block 1, Lot 13 in the LI zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, July 13, 2011**, the Board made the following determinations:

Donald Brenner appeared and testified for the applicant.

The Board received the following communications:

1. Project Review Committee Report dated July 6, 2011.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated July 13, 2011.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., July 7, 2011.
4. Letters from the Rockland County Department of Planning, signed Thomas B. Vanderbeek, Commissioner of Planning, dated July 11, 2011.
5. Letters from the Rockland County Department of Highways, signed by Joseph Arena, Principal Engineering Technician, dated June 29, 2011.
6. Letters from the Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated June 14, 2011.
7. Letters from the Rockland County Drainage Agency, signed by Vincent Altieri, dated July 7, 2011 to the Town of Orangetown and a copy of a letter to the Mr. McIntyre and a letter signed by Edward Devine, dated March 4, 2003.

PB #11-30: Edge Landscaping Site Plan Amendment – Preliminary Site Plan Amendment Subject to Conditions/ Neg. Dec.

Town of Orangetown Planning Board Decision

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8. A letter from the Rockland County Sewer District #1, signed by Joseph LaFiandra, Engineer II, dated June 15, 2011.
9. A letter from the Town of Orangetown Zoning Board of Appeals, signed by William Mowerson, dated June 15, 2011.
10. A letter from the New York State Department of Transportation, signed by Mary Jo Russo, P.E., Rockland County Permit Engineer, dated June 16, 2011.
11. Survey Amendment Plan prepared by JL Consulting, dated May 26, 2011.
12. A Short Environmental Assessment Form, dated May 6, 2011, signed by Donald Brenner.

Public Comments:

Harry Kryzak, 29 South Greenbush Road, Orangeburg; raised concerns regarding the number of cars to be parked on the site, flooding to the surrounding properties and the current and future traffic to the area.

Ed Costa, 19 South Greenbush Road, Orangeburg; expressed concerns regarding the cars parking on the site and overflow of cars onto Greenbush Road.

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

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

PB #11-30: Edge Landscaping Site Plan Amendment – Preliminary Site Plan Amendment Subject to Conditions/ Neg. Dec.

Town of Orangetown Planning Board Decision

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After having identified the relevant areas of environmental concern, namely drainage, surface water runoff, land clearing, vegetation, fauna, traffic and noise levels, and after having taken a hard look at said environmental issues, and after having deliberated regarding such concerns, and having heard from the applicant, the applicant's professional representatives, namely JL Consulting, and having heard from the following offices, officials and/or Departments: (Town of Orangetown): Project Review Committee, Office of Building, Zoning, Planning Administration and Enforcement and Department of Environmental Management and Engineering; and having heard from the following involved and interested agencies: Town of Orangetown Zoning Board of Appeals, Rockland County Department of Planning, Rockland County Department of Highways, Rockland County Department of Health, Rockland County Drainage Agency and Rockland County Sewer District #1, and having reviewed a proposed Site Plan by prepared by JL Consulting, a summary of the reasons supporting this determination are, and the Planning Board finds that the proposed action:

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

PB #11-30: Edge Landscaping Site Plan Amendment – Preliminary Site Plan Amendment Subject to Conditions/ Neg. Dec.

**Town of Orangetown Planning Board Decision
July 13, 2011
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On motion by Bruce Bond and seconded by John Foody and carried as follows: Kevin Garvey, aye; Bruce Bond, aye; Andy Stewart, absent; Robert Dell, nay; John Foody, aye; William Young, aye; and Jeffrey Golda, aye, the Board made a Negative Declaration pursuant to SEQRA.

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

1. The following note shall be placed on the Site Plan:” At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a Pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a Meeting.”
2. 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. Five angled parking spaces in front of the building shall be reconfigured to eliminate backing into the public right of way.
4. This application is for an amendment to an existing Site Plan for storage of additional vehicles at the rear of the property. These vehicles are currently for a tenant who has a taxi service.
5. The Amended Site Plan shall show the existing parking spaces for the 2 trailers and 4 trucks in the rear of the property. In addition, 8 car parking spaces for the tenants was approved in the rear of the building. The handicap parking space shall also be shown on the Site Plan.
6. The proposed outdoor overnight parking requires approval from the Town of Orangetown Zoning Board of Appeals for storage of vehicles not within an enclosed building. (Section 3.11, LI District, Column 7, Item #5).

PB #11-30: Edge Landscaping Site Plan Amendment – Preliminary Site Plan Amendment Subject to Conditions/ Neg. Dec.

Town of Orangetown Planning Board Decision

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7. No parking is permitted in any yard unless approved by the Town of Orangetown Planning Board.
8. The Short Environmental Assessment Form appears to be in order.
9. All existing easements shall be shown on the Site Plan, including page and liber or instrument number, and ownership, including easement for drainage line existing the northern side of the property.
10. Rockland County Department of Planning had the following comments which are incorporated herein as conditions of approval:
 - 1) As indicated in the July 7, 2011 letter regarding a Notice of Violation from the Rockland County Drainage Agency, the property owner is currently in violation of the conditions of the Rockland County Stream Control Act for work performed at the site without a valid permit from the Rockland County Drainage Agency. This matter must be addressed and all required permits obtained.
 - 2) The Site Plan by Joseph Haller, PLS, dated May 26, 2011, must have additional detail provided to show how the parking lot will be striped differently than the approved Site Plan. The previously approved Site Plan provided for overnight parking by the landscape business and there is to be a tenant with a tax service that will also be using the site for overnight parking. If this is correct, then the Site Plan must be revised to clearly indicate which spaces are to be used for overnight parking by the landscaping business and which spaces are to be used by a tenant. A clarification must be provided regarding the intent of the proposed amendment to the approved Site Plan. Information must also be provided regarding the size of spaces and how the number of spaces and configuration of the spaces will differ from the Approved Site Plan.
 - 3) The 100-year flood plain shall be shown on the map.
 - 4) If any variances are needed to implement the proposed site plan, the Rockland County Department of Planning requests the opportunity to review the proposed variances, as required by New York State General Municipal Law, Section 239-m(3)(v).
11. The Rockland County Department of Highways found that the proposed action will have no foreseeable adverse impact upon County Roads in the area.

PB #11-30: Edge Landscaping Site Plan Amendment – Preliminary Site Plan Amendment Subject to Conditions/ Neg. Dec.

Town of Orangetown Planning Board Decision

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12. The Rockland County Department of Health found that there are no approvals associated with this application.

13. 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.

14. The New York State Department of Transportation reviewed the plans and feels the project will not have a major impact on the state transportation system. Revised plans shall be provided to NYSDOT as it proceeds through the Planning Board process.

15. Based upon the Rockland County Drainage Agency (RCDA) evaluation of available mapping and information submitted, it has been determined that the proposed activity is within the jurisdiction of the RCDA. Additionally, it appears that significant construction activity has occurred at the site, including construction of the parking area that the applicant is now proposed to restripe, subsequent to a previous review and jurisdictional determination provided by the RCDA. A permit from the RCDA is required for the proposed site improvements. RCDA did not receive a permit application nor did the RCDA issue a permit with respect to the original proposal to perform site improvements. According to Chapter 846, Rockland County Stream Control Act, no person shall perform construction activities with the jurisdiction of the RCDA without first applying for and obtaining a written permit from the RCDA for such work. The property owner is currently in violation of the Rockland County Stream control Act, Chapter 846, for the work performed at this site without a valid permit from the RCDA. A "Notice of Violation" letter has been sent to the property owner under separate cover.

16. The following agencies do not object to the Town of Orangetown Planning Board assuming responsibilities of lead agency for SEQRA purposes:

- Town of Orangetown Zoning Board of Appeals
- New York State Department of Transportation
- Rockland County Department of Planning
- Rockland County Department of Highways
- Rockland County Health Department
- Rockland County Sewer District
- Rockland County Drainage Agency

PB #11-30: Edge Landscaping Site Plan Amendment – Preliminary Site Plan Amendment Subject to Conditions/ Neg. Dec.

Town of Orangetown Planning Board Decision

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

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

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

- a. No construction equipment shall be parked under the tree canopy.
 - b. There will be no excavation or stockpiling of earth underneath the trees.
 - c. Trees designated to be preserved shall be marked conspicuously on all sides at a 5 to 10 foot height.
 - d. The Tree Protection Zone for trees designated to be preserved will be established by one of the following methods:
 - One (1) foot radius from trunk per inch DBH
 - Drip line of the Tree Canopy. The method chosen should be based on providing the maximum protection zone possible. A barrier of snow fence or equal is to be placed and maintained one yard beyond the established tree protection zone. If it is agreed that the tree protection zone of a selected tree must be violated, one of the following methods must be employed to mitigate the impact:
 - Light to Heavy Impacts – Minimum of eight inches of wood chips installed in the area to be protected. Chips shall be removed upon completion of work.
 - Light Impacts Only – Installation of $\frac{3}{4}$ inch of plywood or boards, or equal over the area to be protected.
- The builder or its agent may not change grade within the tree protection zone of a preserved tree unless such grade change has received final approval from the Planning Board. If the grade level is to be changed more than six (6) inches, trees designated to be preserved shall be welled and/or preserved in a raised bed, with the tree well a radius of three (3) feet larger than the tree canopy.

20. 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.

PB #11-30: Edge Landscaping Site Plan Amendment – Preliminary Site Plan Amendment Subject to Conditions/ Neg. Dec.

Town of Orangetown Planning Board Decision

July 13, 2011

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21. 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.

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

23. 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).

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

25. 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

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

The foregoing Resolution was made and moved by Bruce Bond, seconded by Jeffrey Golda and carried as follows: Kevin Garvey, aye; Bruce Bond, aye; Andy Stewart, absent; William Young, aye; John Foody, aye; Robert Dell, nay 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: July 13, 2011

Town of Orangetown Planning Board

attachment

PB #11-30: Edge Landscaping Site Plan Amendment – Preliminary Site Plan Amendment Subject to Conditions/ Neg. Dec.

**Town of Orangetown Planning Board Decision
July 13, 2011**

NEGATIVE DECLARATION

Notice of Determination of Non-Significance

Edge Landscaping– Preliminary Approval Subject to Conditions/ Neg. Dec.

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: Edge Landscaping Site Plan Amendment

SEQR STATUS: Type I _____ Unlisted XXXXXX

CONDITIONED NEGATIVE DECLARATION: Yes _____ No XXXXXX

DESCRIPTION OF ACTION: Site Plan Amendment Plan Review

LOCATION: The site is located at 25 Greenbush Road, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 74.11, Block 1, Lot 13 in the LI 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 #11-31: Garvey Sculpture Studio – Conditional Use Permit - Approval
Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision
July 13, 2011
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TO: Donald Brenner, 4 Independence Avenue, Tappan, New York
FROM: Orangetown Planning Board

RE: Garvey Sculpture Studio: The application of James Garvey, applicant, (Donald Brenner, attorney for the applicant), J & J Dodge, owner, for Conditional Use Permit Review, at a site to be known as “**Garvey Sculpture Studio**”, pursuant to Chapter 43, Section 8.1 of the Town of Orangetown Zoning Code and to determine the environmental significance of the application pursuant to the requirements of the New York State Environmental Quality Review Act. The site is located at 103 South Greenbush Road, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 74.07, Block 1, Lot 17 in the LIO zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, July 13, 2011**, the Board made the following determinations:

Donald Brenner, James Dodge and James Garvey appeared and testified. The Board received the following communications:

1. Project Review Committee Report dated July 6, 2011.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated July 13, 2011.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., July 7, 2011.
4. Letters from the Rockland County Department of Planning, signed Thomas B. Vanderbeek, Commissioner of Planning, dated July 1 & 5, 2011.
5. Letters from the Rockland County Department of Highways, signed by Joseph Arena, Principal Engineering Technician, dated June 1, 2011.
6. Letters from the Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated June 1, 2011.
7. A letter from the Rockland County Drainage Agency, signed by Vincent Altieri, dated June 6, 2011.
8. A letter from the Rockland County Sewer District #1, signed by Joseph LaFiandra, Engineer II, dated June 15, 2011.
9. A letter from the New York State Department of Transportation, signed by Mary Jo Russo P.E., Rockland County Permit Engineer, dated July 12, 2011.
10. A letter from the Town of Orangetown Zoning Board of Appeals, signed by William Mowerson, dated May 1, 2011.

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11. An Interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by Michael Bettmann, Chief, dated July 7, 2011.
12. Drawing noting location of Studio.
13. A Short Environmental Assessment Form, dated May 19, 2011, signed by James Garvey.
14. A copy of the Town of Orangetown Town Code; Conditional Use Permit, Chapter 43, Section 8.1.

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 John Foody and second by Bruce Bond and carried as follows:

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

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

After having identified the relevant areas of environmental concern, namely drainage, surface water runoff, land clearing, vegetation, fauna, traffic and noise levels, and after having taken a hard look at said environmental issues, and after having deliberated regarding such concerns, and having heard from the applicant, the applicant’s professional representatives, and having heard from the

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following offices, officials and/or Departments: (Town of Orangetown): Project Review Committee, Office of Building, Zoning, Planning Administration and Enforcement and Department of Environmental Management and Engineering, Bureau of Fire Prevention and having heard from the following involved and interested agencies: Town of Orangetown Zoning Board of Appeals, Rockland County Department of Planning, Rockland County Department of Highways, Rockland County Department of Health, Rockland County Sewer District #1, Rockland County Drainage Agency and New York State Department of Transportation and having reviewed a proposed Site Plan, a summary of the reasons supporting this determination are, and the Planning Board finds that the proposed action:

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

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

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DECISION: In view of the foregoing and the testimony before the Board, the application was **GRANTED A CONDITIONAL USE PERMIT**, pursuant to Chapter 43, Section 8.1 of the Town of Orangetown Zoning Code. The Board made the following Findings and Comments:

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

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

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

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

In addition, the approval is SUBJECT TO THE FOLLOWING CONDITIONS:

1. The applicant is occupying an existing building on the Dodge property which was formerly occupied by a welder. The new tenant is an artist who forges metal.
2. The location of the proposed propane tank shall be shown on the sketch. The Building Department has a Building Permit Application for the proposed propane tank.
3. The Conditional Use proposed is appropriate for the location chosen.
4. This application is considered Light Manufacturing and is subject to Performance Standards review by the Town of Orangetown Zoning Board of Appeals.
5. The Short Environmental Assessment Form dated May 19, 2011 appears to be in order.

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6. All nonresidential uses in the Town of Orangetown are subject to Performance Standards review to limit any dangerous and objectionable elements that could adversely affect the surrounding area. The Rockland County Department of Planning requests the opportunity to review any Performance Standards or variances that will be considered by the Town of Orangetown Zoning Board of Appeals in connection with the proposed sculpture studio.
7. The Rockland County Highway Department reviewed the material provided and found the proposed action will have no foreseeable adverse impact upon County Roads in the area.
8. The Rockland County Department of Health, Environmental Health Program has received the application, and based on the information provided there are no Rockland County Health Department approvals associated with this application.
9. Based upon the Rockland County Drainage Agency's (RCDA) evaluation of available mapping and the information submitted, it has been determined that the parcel is in close proximity to the 100-year floodplain of the Sparkill Creek. However, the current application under review is for conditional use approval by the Planning Board. Construction activity is not proposed at this time; therefore, a permit from the RCDA will not be required. Any future decisions or determinations made by the Town land use boards regarding this parcel shall indicate that it is located in close proximity to the 100 year flood plain of the Sparkill Creek and that a permit from the RCDA may be required prior to any future proposed construction and/or land disturbance at this site. The Town of Orangetown should continue to forward to RCDA any modifications to the current proposal or future proposed plans at this site for review and proper jurisdictional determination.

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10. 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.
11. The New York State Department of Transportation reviewed the information provided and found the project will have no significant impact on the state transportation system.
12. The Town of Orangetown Bureau of Fire Prevention requests the following:
 - a. Provide a Site Plan showing a position of the Propane Tank and where the forge will be used.
 - b. Provide a Portable Fire Extinguisher as per NFPA 10. In the event the Conditional Use is extended or made permanent, an NFPA 72 compliant fire alarm system connected to Rockland County 44-control shall be installed.
13. 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 Health
 - Rockland County Department of Highways
 - Town of Orangetown Zoning Board of Appeals
 - Rockland County Sewer District
 - Rockland County Drainage Agency
 - New York State Department of Transportation

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

The Clerk of 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 this Office of the Planning Board.

Dated: July 13, 2011.
Town of Orangetown Planning Board
attachment

**PB#11-31: Garvey Sculpture Studio – Conditional Use Permit - Approval
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**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: Garvey Sculpture Studio

SEQR STATUS: Type I _____ Unlisted XXXXXX

CONDITIONED NEGATIVE DECLARATION: Yes _____ No XXXXXX

DESCRIPTION OF ACTION: Conditional Use Permit

LOCATION: The site is located at 103 South Greenbush Road, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 74.07, Block 1, Lot 17 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

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TO: Donald Brenner, 4 Independence Avenue, Tappan, New York
FROM: Orangetown Planning Board

RE: Pearl River School District Subdivision Plan: The application of Pearl River Union Free School District, owner, (Donald Brenner, Attorney for the owner), for Prepreliminary/ Preliminary Subdivision Plan Review for a site to be known as “**Pearl River School District Subdivision 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 and to determine the environmental significance of the application pursuant to the requirements of the New York State Environmental Quality Review Act. The site is located at 135 West Crooked Hill Road, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 68.11, Block 2, Lot 41.1 in the R-15 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, July 13, 2011**, the Board made the following determinations:

Donald Brenner and Quinton Van Wynen appeared and testified for the applicant.

The Board received the following communications:

1. Project Review Committee Report dated July 6, 2011.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated July 13, 2011.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., July 7, 2011.
4. Letters from the Rockland County Department of Planning, signed by Thomas B. Vanderbeek, Commissioner of Planning, dated July 7 & 11, 2011.
5. Letters from the Rockland County Department of Highways, signed by Joseph Arena, Principal Engineering Technician, dated June 29, 2011.
6. Letters from the Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated June 1, 2011.
7. A letter from the Rockland County Drainage Agency, signed by Vincent Altieri, dated June 8, 2011.
8. A letter from the Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer II, dated June 15, 2011.
9. An Interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by Michael Bettmann, Chief, dated July 7, 2011.
10. A letter from the Town of Orangetown Zoning Board of Appeals, signed by William Mowerson, dated May 1, 2011.

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11. Subdivision Plan prepared by Robert Rahnenfeld, PLS, dated April 18, 2011.
12. A Short Environmental Assessment Form, dated May 17, 2011, signed by Michael Clohessy.
13. A copy of a letter from Donald Brenner, dated May 27, 2011.

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

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

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

After having identified the relevant areas of environmental concern, namely drainage, surface water runoff, land clearing, vegetation, fauna, traffic and noise levels, and after having taken a hard look at said environmental issues, and after having deliberated regarding such concerns, and having heard from the applicant, the applicant’s professional representatives, namely Robert Rahnenfeld, PLS and having heard from the following offices, officials and/or

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Departments: (Town of Orangetown): Project Review Committee, Office of Building, Zoning, Planning Administration and Enforcement and Department of Environmental Management and Engineering, Bureau of Fire Protection, and having heard from the following involved and interested agencies: Town of Orangetown Zoning Board of Appeals, Rockland County Department of Planning, Rockland County Department of Highways, Rockland County Department of Health, Rockland County Sewer District #1, Rockland County Drainage Agency, and having reviewed a proposed Subdivision Plan by prepared by Robert Rahnefeld, PLS, a summary of the reasons supporting this determination are, and the Planning Board finds that the proposed action:

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

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

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

1. The following note shall be placed on the Subdivision": 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

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Continuation of Condition #1....

Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a Meeting.”

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

3. Any modification to the site must return to the Planning Board for Site Plan review.

4. In the event that the property is no longer under the same ownership, cross easement will be required.

5. The property is being subdivided into 2 lots. This property was previously owned by the African Inland Mission.

6. The property is located in the R-15 zone district, Group O. The Bulk Table is incorrect and needs to be amended to reflect the required Bulk Items from Group O.

7. The following variances shall be sought from the Town of Orangetown Zoning Board of Appeals:

	Lot #1	Lot #2
a) Minimum Lot Width Required is 250 ft . (R-15, Group O, Col. 6)	246 sf. existing	168 existing
b) Minimum Front Yard Required is 100 ft. (R-15, Group O, Col. 8)	80.2 ft existing	
c) Minimum Side Yard Required is 75 ft. (R-15, Group O, Col. 9)	18.2 ft. proposed	26.8 ft proposed
d) Minimum Total Side Yard Required is 200 ft. (R-15, Group O, Col. 10)	79.4 ft. existing	55.7 existing
e) Minimum Rear Yard Required is 100 ft, (R-15, Group O, Col. 11)	61.2 ft. existing	61.0 existing ft.

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8. The Building heights shall be calculated based on 3 inches per foot from the property line, which is allowed. The Bulk Table needs to be amended to include the actual heights of the buildings.

9. The parking calculations need to be provided for each separate lot and shall be placed on the Subdivision map drawings. Variances from the Town of Orangetown Zoning Board of Appeals may be required for parking.

10. The 100 year flood plain line shall be drawn on the Subdivision map.

11. The creation of 2 new lots having non-conforming uses will required reapproval from the Town of Orangetown Zoning Board of Appeals with respect to its decision 1979-03. The Zoning Board of Appeals and/or Building Inspector shall determine the appropriate relief necessary for the applicant's request for these proposed non-conforming uses.

12. The Short Environmental Assessment Form appears to be in order.

13. The metes and bounds, as well as proposed ownership for the sanitary and storm sewer lines shall be given on the plans.

14. The sanitary building connections for all of the existing buildings shall be given on the plans.

15. Monuments shall be drawn and labeled at all subdivision corners and along the entire right of way.

16. Iron pins shall be drawn and labeled at each property corner.

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

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

2) As indicated in the June 8, 2011 letter from the Rockland County Drainage Agency, no permit is required from this agency since no construction is proposed at this time. However, the note specified in the letter must be added to the subdivision map and the map must be signed by the Chairman of the RCDA before the Rockland County Clerk will accept the map for filing.

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Continuation of Condition #17....

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

4) The proposed subdivision map contains the following note under the Bulk Table. ****Variances Requested.** However, no variances are noted as necessary in the Bulk Table, This should be corrected.

18. Based on the information provided, the Rockland County Department of Health held that no Rockland County Health Department approvals are associated with this application.

19. The Rockland County Highway Department reviewed the material provided and found the proposed action will have no foreseeable adverse impact upon County Roads in the area.

20. Based upon the Rockland County Drainage Agency (RCDA) evaluation of available mapping and information submitted, it has been determined that the parcel is within RCDA jurisdiction. However, the current proposal is for a subdivision of property only, with no construction proposed at this time. Therefore, this proposal will not require a permit from the RCDA.

21. Pursuant to the Rockland County Stream Control Act, the subdivision map must be reviewed and approved by the Chairman of the Rockland County Drainage Agency before the Rockland County Clerk will accept same for filing. The following note must be added to the subdivision mylar prior to review by RCDA:

The site is located within the jurisdiction of the Rockland County Drainage Agency pursuant to the Rockland County Stream Control Act, Chapter 846. A valid permit must be obtained from the Rockland County Drainage Agency prior to the commencement of any work within the jurisdiction of the Rockland County Drainage Agency.

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22. The Town of Orangetown Bureau of Fire Prevention requests the following: The tax lot that is being subdivided has a private hydrant in front of the brick building on the east lot that is being fed from a water meter from a water meter box that is on the west lot. There needs to be an agreement or easement to enable maintenance in the future of the fire hydrant feed or meter box.

23. 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 Health Department
- Town of Orangetown Zoning Board of Appeals
- Rockland County Department of Highways

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

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

26. TREE PROTECTION: The following note shall be placed on the Subdivision 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:

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Continuation of Condition #26.....

- Light to Heavy Impacts – Minimum of eight inches of wood chips installed in the area to be protected. Chips shall be removed upon completion of work.
- Light Impacts Only – Installation of $\frac{3}{4}$ inch of plywood or boards, or equal over the area to be protected.

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

27. 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.

28. 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.

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

30. 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

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Continuation of Condition #30.....

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).

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

32. 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

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

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

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

Dated: July 13, 2011
Town of Orangetown Planning Board
attachment

**PB #11-32: Pearl River School District Subdivision - Preliminary Approval
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NEGATIVE DECLARATION

Notice of Determination of Non-Significance

**Pearl River School District Subdivision– Preliminary Approval Subject to
Conditions/ Neg. Dec.**

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: Pearl River School District Subdivision

SEQR STATUS: Type I _____ Unlisted XXXXXX

CONDITIONED NEGATIVE DECLARATION: Yes _____ No XXXXXX

DESCRIPTION OF ACTION: Subdivision Plan Review

LOCATION: The site is located at 135 West Crooked Hill Road, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 68.11, Block 2, Lot 41.1 in the R-15 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

