

TOWN OF ORANGETOWN PLANNING BOARD

Meeting of July 14, 2010

MEMBERS PRESENT:

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

MEMBERS ABSENT: None

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

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

Klesh Tree Remediation Plan **PB #10-28**
Prepreliminary/Preliminary/Final and SEQRA Review
Critical Environmental Area (Upper Grandview)
66.17/1/3; R-22 zoning district

Webb Subdivision Plan **PB #10-29**
Consultation – 2 lots (Pearl River)
69.19/1/64; R-22 zoning district

Highland Mews at Sparkill Plan **PB #10-30**
Prepreliminary/Preliminary Subdivision Plan,
Special Permit and SEQRA Review
Sparkill Overlay Zone (Sparkill)
77.08/5/49; CS zoning district

Highland Mews at Sparkill Plan **PB #10-31**
Prepreliminary/Preliminary Site Plan
and SEQRA Review
Sparkill Overlay Zone (Sparkill)
77.08/5/49; CS zoning district

The decisions of the June 23, 2010 Planning Board Meeting was reviewed, edited and approved. The motion for adoption was made and moved by Kevin Garvey and seconded by Jeffrey Golda and carried as follows: Robert Dell, aye; Kevin Garvey, aye; Bruce Bond, aye; Jeffrey Golda, aye; John Foody, aye; Andy Stewart, aye and William Young, aye.

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

Since there was no further business to come before the Board, a motion to adjourn the meeting was made by Kevin Garvey and seconded by Bruce Bond and agreed to by all in attendance. The meeting was adjourned at **9:00 p.m.** The next Planning Board meeting is scheduled for July 28, 2010.

DATED: July 14, 2010
Town of Orangetown Planning Board

PB #10-28- Klesh Tree Remediation Plan - Preliminary Approval Subject to Conditions/ Neg. Dec.

Town of Orangetown Planning Board Decision

July 14, 2010

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TO: Jorel Vaccaro, Dominich Pilla Associates, 23 Depew Avenue,
Nyack, New York
FROM: Orangetown Planning Board

RE: Klesh Tree Remediation Plan: The application of Jorel Vaccaro, Dominick R. Pilla Associates, PC, applicant, for Kevin Klesh, owner, for Prepreliminary/Preliminary/Final Tree Remediation Plan Review, for a site located in the Critical Environmental Area, to be known as "Klesh Tree Remediation Plan", in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21A of the Code of the Town of Orangetown and to determine the environmental significance of the application pursuant to the requirements of the New York State Environmental Quality Review Act. The site is located at 246 B South Boulevard, Upper Grandview, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 66.17, Block 1, Lot 3 in the R-22 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **July 14, 2010** at which time the Board made the following determinations:

Dominick Pilla and appeared and testified.

The Board received the following communications:

1. A Project Review Committee Report dated July 7, 2010.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated July 14, 2010.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering, (DEME) Town of Orangetown, signed by Bruce Peters, P.E., dated July 8, 2010.
4. A letter from HDR signed by Harvey Goldberg, P.E., dated July..., 2010.
5. Letters from the Rockland County Department of Planning, signed by Eileen Miller, dated July..., 2010 and Salvatore Corallo, Commissioner of Planning, dated July ..., 2010.
6. A letter from Rockland County Department of Highways, signed by Sonny Lin, P.E., dated July ..., 2010.
7. A letter from Rockland County Drainage Agency, signed by Edward Devine, Executive Director, dated July .., 2010.

PB #10-28- Klesh Tree Remediation Plan - Preliminary Approval Subject to Conditions/ Neg. Dec.

**Town of Orangetown Planning Board Decision
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8. Letters from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated, 2010.
9. A letter from the Rockland County Sewer District #1, signed by Joseph LaFiandra, Engineer II, dated
10. A letter from the Town of Orangetown Zoning Board of Appeals, signed by William Mowerson, Chairman, dated
11. A letter from the Village of South Nyack, signed by, dated
12. A Short Environmental Assessment Form dated May 25, 2010, signed by Jorel Vaccaro, Dominick Pilla Associates.
13. Plans prepared by Dominick R. Pilla Associates, P.C., dated April 25, 2010:
 - SP01: Site Plan
 - SP02: Tree Remediation and Drainage
 - SP03: Erosion Control Notes & Details

The Board reviewed the plan.

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

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

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

PB #10-28- Klesh Tree Remediation Plan - Preliminary Approval 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 Jay Greenwell, PLS, and the Town of Orangetown's engineering consultant, Henningson, Durham & Richardson (HDR), and having heard from the following offices, officials and/or Departments: (Town of Orangetown): Project Review Committee, Office of Building, Zoning, Planning Administration and Enforcement and Department of Environmental Management and Engineering; and having heard from the following involved and interested agencies: Rockland County Department of Planning, Rockland County Department of Highways, Rockland County Department of Health, Rockland County Sewer District #1, Palisades Interstate Park Commission and having reviewed a proposed Site Plan by prepared by Jay Greenwell, PLS, dated October 8, 2009, revised December 16, 2009, a summary of the reasons supporting this determination are, and the Planning Board finds that the proposed action:

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

PB #10-28- Klesh Tree Remediation Plan - Preliminary Approval Subject to Conditions/ Neg. Dec.

Town of Orangetown Planning Board Decision

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

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

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

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

PB #10-28- Klesh Tree Remediation Plan - Preliminary Approval Subject to Conditions/ Neg. Dec.

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Continuation of Condition #7...

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

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

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

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

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

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

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

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

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

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

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

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

PB #10-28- Klesh Tree Remediation Plan - Preliminary Approval Subject to Conditions/ Neg. Dec.

Town of Orangetown Planning Board Decision

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Continuation of Condition #9...

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

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

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

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

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

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

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

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

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

PB #10-28- Klesh Tree Remediation Plan - Preliminary Approval Subject to Conditions/ Neg. Dec.

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

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

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

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

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

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

One (1) foot radius from trunk per inch DBH

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

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

PB #10-28- Klesh Tree Remediation Plan - Preliminary Approval Subject to Conditions/ Neg. Dec.

**Town of Orangetown Planning Board Decision
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Continuation of #17...

Light Impacts Only – Installation of $\frac{3}{4}$ inch of plywood or boards, or equal over the area to be protected.

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

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

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

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

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

PB #10-28- Klesh Tree Remediation Plan - Preliminary Approval Subject to Conditions/ Neg. Dec.

Town of Orangetown Planning Board Decision

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

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

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

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

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

Dated: July 14, 2010

Town of Orangetown Planning Board

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

**PB #10-28- Klesh Tree Remediation Plan - Preliminary Approval Subject to
Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision
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This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Regulation) of the Environmental Conservation Law.

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

NAME OF ACTION: Klesh Tree Remediation Plan

SEQR STATUS: Type I _____ Unlisted XXXXXX

CONDITIONED NEGATIVE DECLARATION: Yes _____ No XXXXXX

**DESCRIPTION OF ACTION: Tree Remediation Plan Review – Critical
Environmental Area**

LOCATION: The site located at 246 B South Boulevard, Upper Grandview, New York, Town of Orangetown, Rockland County; and as shown on the Orangetown Tax Map as Section 66.17, Block 1, Lot 3 in the R-22 zoning district.

REASONS SUPPORTING THIS DETERMINATION:

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

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

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

For Further Information contact:

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

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

PB #10-29- Webb Subdivision Plan - Consultation

Town of Orangetown Planning Board Decision

July 14, 2010

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TO: Cristianna Scorteia, 51 Ridge Avenue, Spring Valley, New York
FROM: Orangetown Planning Board

RE: Webb Subdivision Plan: The application of Colin Webb, owner, for Consultation regarding a 2 lot Subdivision Plan Review, for a site to be known as "Webb 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 Orangetown. The site is located at 36 Sickletown Road, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 69.19, Block 1, Lot 64 in the R-22 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **July 14, 2010** at which time the Board made the following determinations:

Cristiana Scorteia and Colin Webb appeared and testified.

The Board received the following communications:

1. A Project Review Committee Report dated July 7, 2010.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated July 14, 2010.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering, (DEME) Town of Orangetown, signed by Bruce Peters, P.E., dated July 8, 2010.
4. A letter from HDR signed by Harvey Goldberg, P.E., dated July...., 2010.
5. Letters from the Rockland County Department of Planning, signed by Eileen Miller, dated July..., 2010 and Salvatore Corallo, Commissioner of Planning, dated July .., 2010.
6. A letter from Rockland County Department of Highways, signed by Sonny Lin, P.E., dated July .., 2010.
7. A letter from Rockland County Drainage Agency, signed by Edward Devine, Executive Director, dated July .., 2010.

PB #10-29- Webb Subdivision Plan - Consultation

Town of Orangetown Planning Board Decision

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8. Letters from Rockland County Department of Health, signed by Scott McKane. P.E., Senior Public Health Engineer, dated, 2010.
9. A letter from the Rockland County Sewer District #1, signed by Joseph LaFiandra, Engineer II, dated
10. A letter from the Town of Orangetown Zoning Board of Appeals, signed by William Mowerson, Chairman, dated
11. A letter from the Village of South Nyack, signed by, dated
12. A Short Environmental Assessment Form dated May 25, 2010, signed by Jorel Vaccaro, Dominick Pilla Associates.
13. Plans prepared by Dominick R. Pilla Associates, P.C., dated April 25, 2010:
 - SP01: Site Plan
 - SP02: Tree Remediation and Drainage
 - SP03: Erosion Control Notes & Details

The Board reviewed the plan.

CONSULTATION: In view of the foregoing and the testimony before the Board, the application was PROVIDED WITH THE FOLLOWING COMMENTS:

1. The following note shall be placed on the Site Plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a meeting."
2. The following note shall be placed on the Site Plan regarding Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.
6. Soil erosion and sediment control plans and details shall be submitted to DEME for review and approval.
15. The applicant shall comply with all pertinent items in the Guide to the Preparation of Subdivision Plans prior to signing the final plans.
16. All reviews and approvals from various governmental agencies must be obtained prior to stamping of the Subdivision Plan.
17. **TREE PROTECTION:** The following note shall be placed on the site plan: The Tree Protection and Preservation Guidelines adopted pursuant to Section 21-24 of the Land Development Regulations of the Town of Orangetown will be implemented in order to protect and preserve both individual specimen trees and buffer area with many trees. Steps that will be taken to reserve and protect existing trees to remain are as follows:
 - a. No construction equipment shall be parked under the tree canopy.
 - b. There will be no excavation or stockpiling of earth underneath the trees.
 - c. Trees designated to be preserved shall be marked conspicuously on all sides at a 5 to 10 foot height.
 - d. The Tree Protection Zone for trees designated to be preserved will be established by one of the following methods:
 - One (1) foot radius from truck 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.

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

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

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

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

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

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

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

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

Dated: July 14, 2010

Town of Orangetown Planning Board

PB #10-30- Highland Mews at Sparkill Subdivision Plan – Preliminary Approval Subject to Conditions/ Neg. Dec.

**Town of Orangetown Planning Board Decision
July 14, 2010
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TO: John Mascia, 29 Athenai Lane, Hopewell Junction, New York
12533
FROM: Orangetown Planning Board

RE: Highland Mews at Sparkill Plan (Subdivision Plan): The application of John Mascia, owner, (Robert J. Prier, attorney for the applicant) for Prepreliminary/Preliminary Subdivision Plan Review, for a site located in the Sparkill Overlay Zone, to be known as “Highland Mews at Sparkill Plan”, in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21 of the Code of the Town of Orangetown 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 653 Main Street, Sparkill, own of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 77.08, Block 5, Lot 49 in the CS zoning district and Sparkill Hamlet Overlay Zone.

Heard by the Planning Board of the Town of Orangetown at a meeting held **July 14, 2010** at which time the Board made the following determinations:

John Mascia and appeared and testified.

The Board received the following communications:

1. A Project Review Committee Report dated July 7, 2010.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated July 14, 2010.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering, (DEME) Town of Orangetown, signed by Bruce Peters, P.E., dated July 8, 2010.
4. A letter from HDR signed by Harvey Goldberg, P.E., dated July...., 2010.
5. Letters from the Rockland County Department of Planning, signed by Eileen Miller, dated July..., 2010 and Salvatore Corallo, Commissioner of Planning, dated July .., 2010.
6. A letter from Rockland County Department of Highways, signed by Sonny Lin, P.E., dated July .., 2010.
7. A letter from Rockland County Drainage Agency, signed by Edward Devine, Executive Director, dated July .., 2010.

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8. Letters from Rockland County Department of Health, signed by Scott McKane. P.E., Senior Public Health Engineer, dated, 2010.
9. A letter from the Rockland County Sewer District #1, signed by Joseph LaFiandra, Engineer II, dated
10. A letter from the Town of Orangetown Zoning Board of Appeals, signed by William Mowerson, Chairman, dated
11. A letter from the Village of South Nyack, signed by, dated
12. A Short Environmental Assessment Form dated May 25, 2010, signed by Jorel Vaccaro, Dominick Pilla Associates.
13. Plans prepared by Dominick R. Pilla Associates, P.C., dated April 25, 2010:
 - SP01: Site Plan
 - SP02: Tree Remediation and Drainage
 - SP03: Erosion Control Notes & Details

The Board reviewed the plan.

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

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

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

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

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

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

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

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

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

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Continuation of Condition #7...

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 15.** The applicant shall comply with all pertinent items in the Guide to the Preparation of Site Plans prior to signing the final plans.
- 16.** All reviews and approvals from various governmental agencies must be obtained prior to stamping of the Site Plan.
- 17. TREE PROTECTION:** The following note shall be placed on the site plan: The Tree Protection and Preservation Guidelines adopted pursuant to Section 21-24 of the Land Development Regulations of the Town of Orangetown will be implemented in order to protect and preserve both individual specimen trees and buffer area with many trees. Steps that will be taken to reserve and protect existing trees to remain are as follows:
- a. No construction equipment shall be parked under the tree canopy.
 - b. There will be no excavation or stockpiling of earth underneath the trees.
 - c. Trees designated to be preserved shall be marked conspicuously on all sides at a 5 to 10 foot height.
 - d. The Tree Protection Zone for trees designated to be preserved will be established by one of the following methods:
 - One (1) foot radius from trunk per inch DBH
 - Drip line of the Tree Canopy. The method chosen should be based on providing the maximum protection zone possible. A barrier of snow fence or equal is to be placed and maintained one yard beyond the established tree protection zone. If it is agreed that the tree protection zone of a selected tree must be violated, one of the following methods must be employed to mitigate the impact:
 - Light to Heavy Impacts – Minimum of eight inches of wood chips installed in the area to be protected. Chips shall be removed upon completion of work.

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Light Impacts Only – Installation of $\frac{3}{4}$ inch of plywood or boards, or equal over the area to be protected.

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

- 18.** All landscaping shown on the site plans shall be maintained in a vigorous growing condition throughout the duration of the use of this site. Any plants not so maintained shall be replaced with new plants at the beginning of the next immediately following growing season.
- 19.** Prior to the commencement of any site work, including the removal of trees, the applicant shall install the soil erosion and sedimentation control as required by the Planning Board. Prior to the authorization to proceed with any phase of the site work, the Town of Orangetown Department of Environmental

Management and Engineering (DEME) shall inspect the installation of all required soil erosion and sedimentation control measures. The applicant shall contact DEME at least 48 hours in advance for an inspection.

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

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

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

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

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

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

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

Dated: July 14, 2010
Town of Orangetown Planning Board

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

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This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Regulation) of the Environmental Conservation Law.

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

NAME OF ACTION: Klesh Tree Remediation Plan

SEQR STATUS: Type I _____ Unlisted XXXXXX

CONDITIONED NEGATIVE DECLARATION: Yes _____ No XXXXXX

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

REASONS SUPPORTING THIS DETERMINATION:

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

The project will not have a significant impact upon the environment and a DEIS need not be prepared because the proposed action does not significantly affect

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

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

For Further Information contact:

John Giardiello, P.E., Director, Office of Building, Zoning and Planning
Administration and Enforcement

Town of Orangetown

20 Greenbush Road

Orangeburg, NY 10962

Telephone Number: 845-359-5100

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