

**TOWN OF ORANGETOWN PLANNING BOARD
MEETING OF JULY 23, 2008**

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

MEMBERS ABSENT: None

ALSO PRESENT: Bert von Wurmb, Department of Building, Zoning, Planning Administration and Enforcement, Robert Magrino, Deputy Town Attorney, Ann Marie Ambrose, Stenographer and Cheryl Coopersmith, Chief Clerk

Robert Dell, Chairperson called the meeting to order at 7:35 P.M.

Mr. Bond read the agenda. Hearings as listed on this meeting's agenda which are made a part of these minutes, were held as noted below:

Hogar Performance Bond Release **PB #08- 39**
(Ramland Road South)
Recommendation to the Town Board to **Recommended to the**
Release the Performance Bond **Town Board**
73.20/1/27; LIO zone

Hyun Subdivision Plan **PB #08-42**
Request for 1st 90 Day Extension to **Granted 1st 90 Day**
File the Subdivision Plan at the Rockland **Extension to File**
County Clerk's Office; Palisades Historic District
78.18/2/13; R-40/80 zone

19 Shadyside Avenue Site Plan **PB #08-43**
Final Site Plan **Final Site Plan Approval**
Critical Environmental Area **Subject to Conditions**
66.17/1/9; R-22 zone

Dominican College Site Plan **PB#08- 44**
Final Site Plan Review **Final Site Plan Approval**
74.06/3/3; R-40 zone **Subject to Conditions**

Gleeson Site Plan **PB #08-45**
Prepreliminary/Preliminary/Final Site Plan **Final Site Plan Approval**
And SEQRA Review **Subject to Conditions/**
Critical Environmental Area **Neg. Dec.**
71.09/1/36; R-15 zone

Wyeth Site Plan **PB #08- 40**
Prepreliminary/Preliminary/Final Site Plan **Postponed to 9/10/08 Mtg.**
and SEQRA Review - North Retention Basin
68.08/1/1; LI zone

The decisions of the July 9, 2008 Planning Board Meeting was reviewed, edited and approved. The motion for adoption was made and moved by Kevin Garvey and seconded by John Foody and carried as follows: Robert Dell, abstain; Kevin Garvey, aye; Bruce Bond, aye; Anthony Iurica, aye; Jeffrey Golda, aye; John Foody, aye and William Young, aye.

Since there was no further business to come before the Board, a motion to adjourn the meeting was made by Bruce Bond and second by Kevin Garvey and agreed to by all in attendance. The meeting was adjourned at 9:30 p.m. The next Planning Board meeting is scheduled for **September 10, 2008**.

DATED: July 23, 2008
Town of Orangetown Planning Board

Hogar Performance Bond Release (Ramland Road South)
Recommendation to the Town Board to Release the Performance Bond

TO: Town of Orangetown Town Board
FROM: Orangetown Planning Board

The application of Paul Savad, applicant, David Garrett of Hogar Associates, owner for a Recommendation to the Town Board to Release the Performance Bond for Hogar Associates, in the Amount of \$118,000.00, in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown and Chapter 21A of the Code of the Town of Orangetown. The site is located at Ramland Road South, Orangeburg, Town of Orangetown, Rockland County, New York and shown on the Orangetown Tax Map as Section 73.20 Block 1, Lot 27 in the LIO zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, July 23, 2008**, at which time the Board made the following determination:

Joseph Churgin appeared and testified for the applicant.

The Board received the following communications:

1. PRC Report dated July 2, 2008.
2. An interdepartmental memorandum signed by John Giardiello, P.E., Director of the Office of Building, Zoning and Planning Administration and Enforcement, Town of Orangetown, dated July 9, 2008.
3. An interdepartmental memorandum signed by Ronald Delo, P.E. BCEE, Director, Town of Orangetown Department of Environmental Management and Engineering (DEME), dated June 18, 2008 and James Dean, Superintendent of Highways, Town of Orangetown, dated June 18, 2008.
4. An interdepartmental memorandum signed by Robert V. Magrino, Deputy Town Attorney, Town of Orangetown, Office of the Town Attorney, dated July 23, 2008.
5. A copy of the following information provided by the applicant:
 - a) Bond dated March 19, 1986;
 - b) Punch List from James Dean, Superintendent of Highways, Town of Orangetown, dated February 1, 2001;
 - c) Letter to Robert Magrino, Esq., Town of Orangetown, dated February 7, 2006 from National Granite Insurance Company;
 - d) Letter from McCall Abstract Corp., dated April 26, 2001;
 - e) List of third parties that utilize Ramland Road South as of February 9, 2005; and
 - f) Letter dated November 9, 2005 from BNM Properties, LLC, 37 Ramland Road South.

Hogar Performance Bond Release (Ramland Road South)
Recommendation to the Town Board to Release the Performance Bond

The Board discussed the Release of the Performance Bond.

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

RECOMMENDATION: In view of the foregoing, the Board RECOMMENDED to the Town Board to RELEASE the Hogar Performance Bond, subject to the following:

1. The applicant posted a performance bond with the Town of Orangetown in the amount of \$118,000.00 in March 1986, pursuant to the Planning Board approval of subdivision of the property granted in 1986, which resulted in the filing of Map No. 6146 in 1987 with the Rockland County Clerk's Office. The 60' access road, which is a continuation of Ramland Road South, was to be maintained as a "private road" with respect to the lots then identified as 14.2-1 and 14.2-2. These lots are now identified as 76.08-1-6 and 77.05-1-1 on the more recent resubdivision map from 2004 and filed as Map No 7716 in the Rockland County Clerk's Office. The 1987 map has a note indicating the road is to remain private. As such, this applicant was not required to dedicate the road.
2. Based upon the sign off interdepartmental memorandum signed by Ronald Delo, P.E. BCEE, Director, Town of Orangetown Department of Environmental Management and Engineering (DEME), dated June 18, 2008 and James Dean, Superintendent of Highways, Town of Orangetown, dated June 18, 2008, the department's will not recommend to the Town Board to accept dedication of Ramland Road South because of its current configuration. Since the current configuration appears to be consistent with previous Planning Board decisions with respect to this matter, including one from 1982 regarding the property immediately north of this property (73.20-1-27 Madt, formerly Protean) there is no mechanism whereby the Town can require this applicant to change the configuration at this time, or to keep the applicant's performance bond. Therefore, the Planning Board is aware that Ramland Road South will not be accepted as a public road by the Town of Orangetown, or otherwise become a public road, unless there is a court order from a court of competent jurisdiction to the contrary.

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

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

Dated: July 23, 2008
Town of Orangetown Planning Board

TOWN OF ORANGETOWN PLANNING BOARD DECISION

Hyun Minor Subdivision: Request for the 1st 90-Day Extension to File the Subdivision Plan with the Rockland County Clerk's Office (Palisades Historic District)

July 23, 2008

TO: Jay Greenwell, PLS; 85 Lafayette Avenue; Suffern, NY 10901

FROM: Orangetown Planning Board

RE: The application of the Mikyon Hyun, owner for a 90 day Extension to File the "**Hyun Minor Subdivision**" with the Rockland County Clerk's Office, in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown and Chapter 21 of the Code of the Town of Orangetown. The site is located at 139 Washington Spring Road, Palisades, Town of Orangetown, Rockland County, New York and shown on the Orangetown Tax Map as Section 78.18, Block 2, Lot 13 in the R-40/80 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, July 23, 2008**, at which time the Board made the following determination:

Jay Greenwell appeared and testified for the applicant.

The Board received the following communications:

1. Project Review Committee Report dated July 16, 2008.
2. An interdepartmental memorandum signed by John Giardiello, P.E., Director of the Office of Building, Zoning and Planning Administration and Enforcement, Town of Orangetown, dated July 16, 2008.
3. An interdepartmental memorandum signed by Bruce Peters, P.E., Department of Environmental Management and Engineering (DEME), Town of Orangetown, dated July 17, 2008.
4. PB #08-01, Final Subdivision Approval Subject to Conditions, dated January 1, 2008.

The Board discussed the 90 Day Extension to file the subdivision plan.

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

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

DECISION: In view of the foregoing, the Board GRANTED a 90 Day Extension in time to file the Hyun Minor Subdivision with the Rockland County Clerk's Office.

The foregoing Resolution was made and moved by Bruce Bond and seconded by Kevin Garvey and carried as follows: Robert Dell, aye; Kevin Garvey, aye; William Young, aye; Anthony Iurica, aye; John Foody, aye; Jeffrey Golda, aye; and, Bruce Bond 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 23, 2008

Town of Orangetown Planning Board

TOWN OF ORANGETOWN PLANNING BOARD DECISION

July 23, 2008

**Shadyside Site Plan - Final Site Plan Approval Subject to Conditions
Critical Environmental Area**

TO: Jay Greenwell, PLS; 85 Lafayette Avenue; Suffern, New York 10901

FROM: Orangetown Planning Board

RE: The application of Abraham Pesach, owner for **Final Site Plan**, located in the Critical Environmental Area, for an addition and partial demolition of an existing structure at a site to be known as "**Shadyside Site Plan**", in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21A of the code of the Town of Orangetown. The site is located at 19 Shadyside Avenue, Upper Grandview, Town of Orangetown, Rockland County, New York and as shown on the Orangetown Tax Map as Section 66.17, Block 1, Lot 9 in the R-22 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, July 23, 2008** at which time the Board made the following determinations:

Jay Greenwell appeared and testified.

The Board received the following communications:

1. Project Review Report dated July 16, 2008.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated July 23, 2008.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated July 17, 2008.
4. A letter from HDR Consulting Engineers, signed by Harvey Goldberg, P.E., dated July 11, 2008.
5. A letter from the Rockland County Department of Planning, signed by Salvatore Corallo, Commissioner, dated July 16, 2008.
6. A letter from Rockland County Highway Department, signed by Sonny Lin, P.E., dated July 21, 2008.
7. A letter signed by Jay Greenwell, PLS, dated July 11, 2008, with an attachment of a plan entitled "Details/Sanitary Profile", dated May 31, 2007, last revised July 11, 2008.
8. A letter from the Rockland County Department of Health, signed by Scott McKane, P.E., dated July 10, 2008.

**TOWN OF ORANGETOWN PLANNING BOARD DECISION
July 23, 2008**

**Shadyside Site Plan - Final Site Plan Approval Subject to Conditions
Critical Environmental Area**

9. Site Plans prepared by Jay Greenwell, PLS, LLC, dated May 20, 2008:

Sheet 1: Site Plan for Building Permit: Revised June 28, 2007

Sheet 2: Existing Conditions

Sheet 3: Details/Sanitary Profile

10. Copies of Board Decisions: Planning Board #07-49, Preliminary Site Plan Approval Subject to Conditions, dated September 6, 2007, Zoning Board of Appeals #08-42, Approved with Conditions; Lot Width and Section 6.332 Driveway Grade Variances, dated May 7, 2008 and Architecture and Community Appearance Board of Review #08-22, Approved with Conditions, dated June 17, 2008.

The Board reviewed the plans.

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 seconded by Kevin Garvey and carried as follows: Bruce Bond, aye; Anthony Iurica, aye; John Foody, aye; William Young, aye; Robert Dell, abstain; Jeffrey Golda, aye, and Kevin Garvey, aye.

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

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

**Shadyside Site Plan - Final Site Plan Approval Subject to Conditions
Critical Environmental Area**

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

3. The applicant shall comply with all previous Board Decisions: Planning Board #07-49, Preliminary Site Plan Approval Subject to Conditions, dated September 6, 2007, Zoning Board of Appeals #08-42, Approved with Conditions; Lot Width and Section 6.332 Driveway Grade Variances, dated May 7, 2008 and Architecture and Community Appearance Board of Review #08-22, Approved with Conditions, dated June 17, 2008.

4. A maintenance plan for the proposed drywells shall be supplied to DEME for review and approval.

5. The drawings shall be revised to reflect that the existing swale, along the southern property line, shall be stone lined. Also, the northern swale shall be eliminated to ensure that any over land runoff from the swale shall flow through the concrete sluice and into the catch basin on Shadyside Avenue.

6. The applicant is advised that the western most sanitary sewer main, depicted running under Shadyside Avenue has been abandoned. The proposed sanitary house connection shall be relocated to connect into the new sanitary main (on the eastern side of Shadyside Avenue). DEME will investigate as to whether a spur was installed on the new line for this lot.

7. The Drainage Consultant recommends acceptance for drainage subject to the following conditions: In the consultant's previous review letter dated March 27, 2008, the consultant commented on an alternate drainage plan for this site, submitted by the Applicants representative, with the request that the Consultant consider the revised plan prior to formal submittal to the Board. His request was supported by revised plans dated May 31, 2007 and last revised March 11, 2008, and by revised calculations dated March 14, 2008. The current submittal is the Applicants formal submittal of the revised drainage plan. The Applicant proposes to demolish an existing dwelling and driveway and construct a new dwelling and driveway addition on a 30,672SF parcel on the west side of Shadyside Avenue and north of Townsend Avenue in Upper Grandview. Driveway access is from Riverside Avenue on the west side of the parcel.

**Shadyside Site Plan - Final Site Plan Approval Subject to Conditions
Critical Environmental Area**

The total impervious area of the site will increase from 3,164SF to 4,929SF. The Applicant proposes to provide two 6-ft diameter by 6-ft high drywells in a 13-ft by 23-ft stone surround for drainage mitigation. Drainage calculations have been previously submitted and indicate that the revised drywells will mitigate the runoff from the entire 2,892SF proposed building footprint instead of only the 1,765SF increase in impervious area.

The current plans have been revised since the last submittal and now include a layer of filter fabric on the bottom and sides of the stone drywell gallery, and the equalization pipe at the bottom of the drywells.

The Drainage Consultant believes that the revised drainage plan can achieve a zero net increase in runoff rate from the developed site, and the Consultant therefore recommends acceptance for drainage **without conditions**.

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

9. There shall be no net increase in storm water runoff from this site.

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

**Shadyside Site Plan - Final Site Plan Approval Subject to Conditions
Critical Environmental Area**

11. Rockland County Highway Department has reviewed the Site Plan and information and based on the plans and information provided found that the proposed single family house construction would have no foreseeable adverse effect upon county roads in the area. The Rockland County Highway Department has no objection to the Town of Orangetown Planning Board granting this application the Final Site Plan approval for this project.

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

13. The Rockland County Department of Health has the following comment:

Applicant is to be made to RCDOH for review of the storm water management system for compliance with the County Mosquito Code. Applicant's Engineer shall contact Brian Hunderfund to coordinate.

14. 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.

**Shadyside Site Plan - Final Site Plan Approval Subject to Conditions
Critical Environmental Area**

15. 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.

16. 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.

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

18. 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).

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

20. 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

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

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

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

TOWN OF ORANGETOWN PLANNING BOARD DECISION

July 23, 2008

**Shadyside Site Plan - Final Site Plan Approval Subject to Conditions
Critical Environmental Area**

The Board made a motion to override Conditions #4 in the letter of Rockland County Department of Planning, signed by Salvatore Corallo, Commissioner of Planning, dated July 16, 2008, for the following reasons:

“#4. It is our understanding that the Orangetown Zoning Board of Appeals reviewed and acted upon variances that were requested to implement the subject Site Plan on May 7, 2008, though no review had been requested from or provided by this Department. As required under the General Municipal Law, Section 239 – m (3) (a)(v), variances for properties such as the subject property are to be referred to this Department prior to actions regarding variances by the municipal zoning board of appeals.”

The Board held that it is not the responsibility of the Orangetown Planning Board to send the Rockland County Department of Planning applications applying to the Zoning Board of Appeals. It is an issue to resolve with the Zoning Board of Appeals. The Board also held that the Rockland County Department of Planning had ample opportunity to review the application.

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

The foregoing Resolution was made and moved by Kevin Garvey seconded by William Young and carried as follows: Bruce Bond, aye; Anthony Iurica, aye; William Young, aye; John Foody, aye; Robert Dell, abstain; 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 23, 2008

Town of Orangetown Planning Board

PB #08-44

TOWN OF ORANGETOWN PLANNING BOARD DECISION

Dominican College Site Plan Final Site Plan Approval

Subject to Conditions

July 23, 2008

TO: Michael Dempsey; Dominican College; 470 Western Highway
Orangeburg, New York, 10962

FROM: Orangetown Planning Board

RE: The application of Dominican College, owner for **Final Site Review** for the construction of a 3,500 square foot expansion to the existing dining hall at a site known as "**Dominican College Dining Hall Expansion Site Plan**", in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21A of the code of the Town of Orangetown. The site is located at 470 Western Highway, Orangeburg, Town of Orangetown, Rockland County, New York and as shown on the Orangetown Tax Map as Section 74.06, Block 3, Lot 3 in the R-40 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, July 23, 2008**, at which time the Board made the following determinations:

Michael Dempsey, Brian Quinn and Sr. Kathleen Sullivan appeared and testified.

The Board received the following communications:

1. A Project Review Memo dated July 16, 2008.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated July 23, 2008.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering, (DEME) Town of Orangetown, signed by Bruce Peters, P.E., dated July 17, 2008.
4. A letter from Maser Engineering signed by Joseph Caruso, P.E., dated July 15, 2008.
5. A letter from the Rockland County Department of Planning, signed Salvatore Corallo, Commissioner of Planning, dated July 16, 2008.
6. A letter from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated July 10, 2008.
7. Stormwater Management Plan prepared by Corless and Associates Engineers, dated June 2008.
8. Amended Site Plan prepared by Corless and Associates, PLS, dated February 18, 2008.

PB #08-44

TOWN OF ORANGETOWN PLANNING BOARD DECISION

Dominican College Site Plan Final Site Plan Approval

Subject to Conditions

July 23, 2008

9. Board Decisions: PB #08-24, Preliminary Site Plan Approval Subject to Conditions, dated April 23, 2008, Zoning Board of Appeals #08-60, Side Yard and Rear Yard Variances Approved with Conditions, dated June 18, 2008 and Architecture and Community Appearance Board of Review #08-26, Approved with Conditions, dated July 8, 2008.

The Board reviewed the plans

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 seconded by Anthony Iurica and carried as follows: Bruce Bond, aye; Anthony Iurica, aye; John Foody, aye; William Young, aye; Robert Dell, abstain; Jeffrey Golda, aye, and Kevin Garvey, aye.

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

1. The applicant shall comply with all pertinent and applicable conditions of previous Board decisions of PB #08-24, Preliminary Site Plan Approval Subject to Conditions, dated April 23, 2008, ZBA #08-60, Side Yard and Rear Yard Variances Approved with Conditions, dated June 18, 2008 and ACABOR #08-26, Approved with Conditions, dated July 8, 2008.
2. The following note shall be placed on the Site Plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a meeting."
3. The following note shall be placed on the Site Plan regarding Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.

PB #08-44

TOWN OF ORANGETOWN PLANNING BOARD DECISION

Dominican College Site Plan Final Site Plan Approval

Subject to Conditions

July 23, 2008

- 4.** A post construction stormwater maintenance agreement (in accordance with NYSDEC Phase II regulations) for the proposed stormwater systems shall be submitted to DEME and the Town of Orangetown Town Attorney's Office for review and approval in substance and form. Said agreement shall include a maintenance and management schedule, inspection check list, contract person with telephone number, yearly report to be submitted to DEME, etc.
- 5.** A note shall be added to the Site Plan indicating the source benchmark for the referenced datum, including the BM elevation.
- 6.** The proposed silt fencing shall be removed from all impervious area, i.e. pavement, sidewalks, etc.
- 7.** The Drainage Consultant to the Planning Board, Maser Consulting, recommends acceptance for drainage subject to the following conditions:
 1. Details for drywells as per Stormwater Management Report shall be included in the Site Plan.
 2. Tops and inverts of each drywell including inlets and outlets and connection to storm drains shall be provided.
 3. Spot grades providing positive surface drainage shall be provided.
- 8.** Soil Erosion and Sediment Soil Erosion and Sediment Control Plans and details shall be submitted to the Town of Orangetown Department of Environmental Management and Engineering for review and approval. The Soil Erosion and Sediment Control Plan shall meet the NYS Guidelines for Urban Erosion and Sediment Control.
- 9.** All required permits shall be obtained from the Rockland County Department of Highways.
- 10.** The fire department connections shall be designated on the Site Plan and kept clear for easy access by the emergency response vehicles.
- 11.** There shall be no net increase in stormwater runoff from the site.
- 12.** Note #5 in the Orangetown Standard Notes Section of the Site Plan shall be revised on the Site Plan and shall refer to Sections 239 L & M of the New York State General Municipal Law. (Since Note #8 is the same, it shall be removed.)
- 13.** The Rockland County Department of Health has reviewed the plans submitted and found that that no Rockland County Health Department approvals are required for this application.

PB #08-44

TOWN OF ORANGETOWN PLANNING BOARD DECISION

Dominican College Site Plan Final Site Plan Approval

Subject to Conditions

July 23, 2008

14. The Rockland County Drainage Agency (RCDA) reviewed this proposal and based on the information provided and maps available to the RCDA, the site has been determined to be outside the jurisdiction of the RCDA. Therefore, a permit from the RCDA pursuant to the Rockland County Stream Control Act, Chapter 846, is not required based upon its review of the information provided.

15. The applicant shall comply with all pertinent items in the Guide to the Preparation of Site Plats 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.

Light Impacts Only – Installation of ¾ inch of plywood or boards, or equal over the area to be protected.

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

PB #08-44

TOWN OF ORANGETOWN PLANNING BOAR DECISION

Dominican College Site Plan Final Site Plan Approval

Subject to Conditions

July 23, 2008

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.

PB #08-44

TOWN OF ORANGETOWN PLANNING BOAR DECISION

**Dominican College Site Plan Final Site Plan Approval
Subject to Conditions
July 23, 2008**

The Board made a motion to override Conditions #1 in the letter of Rockland County Department of Planning, signed by Salvatore Corallo, Commissioner of Planning, dated July 16, 2008, for the following reasons:

“1. Parking calculations that demonstrate that the proposed plan meets the applicable Town parking requirements shall be added to the Site Plan. The calculations should include the overall parking calculations for the campus.”

The Board held that the Town code does not require additional parking for the proposed use and there is ample parking across the street.

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

The foregoing Resolution was made and moved by Bruce Bond and seconded by Anthony Iurica and carried as follows: Bruce Bond, aye; Anthony Iurica, aye; William Young, aye; John Foody, aye; Robert Dell, abstain; 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 23, 2008
Town of Orangetown Planning Board**

PB #08-45

TOWN OF ORANGETOWN PLANNING BOARD DECISION

July 23, 2008

**Gleeson Site Plan; Final Site Plan Approval
Subject to Conditions/ Neg. Dec.
Critical Environmental Area**

TO: Ken DeGennaro, Brooker Engineering, 76 Lafayette Ave. Suffern, NY
FROM: Orangetown Planning Board

RE: The application of the Michael Gleeson, owner to construct a new in-ground swimming pool and patio in the rear yard of an existing home. The work will also include the construction of new retaining walls and regrading of the site. The application is for Prepreliminary/Preliminary/**Final Site Plan** and to determine the environmental significance of the application pursuant to the requirements of the New York State Environmental Quality Review Act, at a site known as **Gleeson Site Plan**, in the Critical Environmental Area, in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21A of the code of the Town of Orangetown. The site is located at 5 Treeline Terrace, Upper Grandview, Town of Orangetown, Rockland County, New York and as shown on the Orangetown Tax Map as Section 71.09, Block 1, Lot 36 in the R-15 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **July 23, 2008**, at which time the Board made the following determinations:

Ken DeGennaro and Michael Gleeson appeared and testified.

The Board received the following communications:

1. A Project Review Memo dated July 16, 2008.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated July 23, 2008, attached Part II of the Short Environmental Assessment Form, dated July 7, 2008.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering, (DEME) Town of Orangetown, signed by Bruce Peters, P.E., dated July 17, 2008.
4. A letter from HDR signed by Harvey Goldberg, P.E., dated July 11, 2008.
5. Letters from the Rockland County Department of Planning, signed by Eileen Miller and Salvatore Corallo, Commissioner of Planning, dated July 16, 2008.
6. A letter from Rockland County Department of Highways, signed by Sonny Lin, P.E., dated July 22, 2008.
7. A letter from Rockland County Drainage Agency, signed by Edward Devine, Executive Director, dated July 17, 2008.
8. A letter from Rockland County Sewer District #1, signed by Joseph LaFiandra, Engineer II, dated July 14, 2008.
9. Letters from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated July 10, 2008.

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**TOWN OF ORANGETOWN PLANNING BOARD DECISION
July 23, 2008**

**Gleeson Site Plan; Final Site Plan Approval
Subject to Conditions/ Neg. Dec.
Critical Environmental Area**

10. A Short Environmental Assessment Form signed by Kenneth DeGennaro dated June 16, 2008.
11. Drainage Calculations prepared by Kenneth DeGennaro, P.E., dated June 16, 2008, with a cover letter dated July 7, 2008.
12. Plans prepared by Michael Esmay, RA, dated June 3, 2008, revised
 - Drawing 1: Site Plan
 - Drawing 2: Erosion Control Plan and Details
13. Letters from the New York State Department of Transportation, signed by Mary Jo Russo, Rockland County Permit Engineer, dated July 14, 2008.

The Board reviewed the plans.

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

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

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

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

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TOWN OF ORANGETOWN PLANNING BOARD DECISION

July 23, 2008

**Gleeson Site Plan; Final Site Plan Approval
Subject to Conditions/ Neg. Dec.
Critical Environmental Area**

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

It will not have a significant impact upon the environment and a DEIS will not be prepared because the proposed action does not significantly affect air quality, surface or ground water quality, noise levels, drainage or existing traffic patterns.

In addition, it will have no impact upon the aesthetics, agricultural or cultural resources of the neighborhood and no vegetation, fauna or wildlife species will be affected as a result of the proposed action. The proposed action is consistent with the Town's Master Plan and will not have any adverse economic or social impacts upon the Town of Orangetown.

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

FINDINGS OF FACTS:

1. Although the site is located in the Critical Environmental Area, it does not have Steep Slope Condition.
2. The amount of site disturbance is minimal and the applicant has gone to extreme lengths to mitigate any visual impact upon the contiguous properties.
3. The site is in a depression, completely within the applicant's property. The applicant has made considerable effort to save major trees on the site.
4. The applicant shall provide a detailed; signed and sealed Landscape Plan for review and approval by the Director, Town of Orangetown, Office of Building, Zoning, Planning Administration and Enforcement.

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

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**TOWN OF ORANGETOWN PLANNING BOARD DECISION
July 23, 2008**

**Gleeson Site Plan; Final Site Plan Approval
Subject to Conditions/ Neg. Dec.
Critical Environmental Area**

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 Bulk Table items shall reflect the project being proposed such as the proposed pool and the setbacks for the pool shall be included in the Bulk Table.
4. The size and spacing of the weep holes for the proposed retaining walls shall be provided on the Site Plan.
5. The location of the silt fence shall be shown on the Site Plan.
6. Deep test holes shall be dug in the area of the proposed drainage drywell prior to the signing of the Final Site Plan to assure proper installation can be met.
7. The fence shall be set back 18 inches minimum on the southern property line.
8. The tree located on the most easterly property line shall be saved.
9. The Drainage calculations are currently under review by DEME.
10. The drainage line, from under the existing deck, shall be connected to the other drainage line either before or after the proposed drywell. Also, the drain line from the proposed drywell appears to be lower than the catch basin it is tying into, this shall be clarified.
11. The Short Environmental Assessment Form appears to be in order.
12. A maintenance plan for the proposed drywells shall be supplied to DEME for review and approval.
13. The swale, from the southern property line to the eastern most yard drain, shall be more clearly defined on the plans.
14. Details for the proposed pond shall be added to the plans.
15. Field inlet protection, including details, shall be added to the erosion control plan.

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TOWN OF ORANGETOWN PLANNING BOARD DECISION

July 23, 2008

**Gleeson Site Plan; Final Site Plan Approval
Subject to Conditions/ Neg. Dec.
Critical Environmental Area**

16. A note shall be added to the Site Plan indicating the source benchmark for the referenced datum, including the BM elevation.

17. A 12 inch RCP drainage line appears to be crossing through this site, along the western property corner, this shall be investigated and resolved to the satisfaction of the Town of Orangetown Office of Building, Zoning and Planning Administration and Enforcement, prior to signing the Site Plan.

18. The Drainage Consultant to the Planning Board believes that the proposed drainage plan can be made to achieve a zero net increase in runoff rate from the developed site and therefore recommends acceptance for drainage subject to the following conditions:

- The calculations use the entire lot area which tends to dilute the effect of the increase in impervious area. The Drainage Consultant prefers to use only the increase in impervious area for the calculation. However, in this instance the calculation is based on stone porosity (void space) of 30% instead of the allowed 40%. The two differences tend to cancel each other resulting in approximately the required drywell size. The Drainage Consultant recommends that the drywell be placed in a stone surround that is 9-ft square, and that the 9-ft dimensions be shown on the plan.
- The detail of the drywell must be revised to indicate the dimensions of the stone surround, and shall also include filter fabric at the bottom of the drywell as well as on the sides.
- Provide an excerpt from the Rockland County Soil Map indicating the location of the site on the map and the type of soil on the site.
- The two on-site storm sewer systems are shown as 8-in pipes. The storm sewer that collects runoff from the catch basins/inlets must be increased to 12-in minimum. The 8-in sewer serving the new doorway area may remain 8-in..
- The plan indicates that the invert of the existing catch basin in Treeline Terrace is EL 310.28. If that is correct, how can the proposed pipe invert be lower at EL308.6? Provide a detail, drawn to scale, of the existing catch basin where the two new pipes will connect. The detail must include the elevations and inverts of all existing and proposed pipes and the catch basin itself. The detail must also show the proposed check valve on the 8-in pipe. The Drainage Consultant generally do not like to see a check valve on a stormwater system. Check valves require regular maintenance and can cause flooding if they get stuck in the open position. If possible an alternate method should be found to drain the doorway area.

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TOWN OF ORANGETOWN PLANNING BOARD DECISION

July 23, 2008

Gleeson Site Plan; Final Site Plan Approval

Subject to Conditions/ Neg. Dec.

Critical Environmental Area

Continuation of Condition #18.....

- The Yard Inlet Detail shows an 18-in square grate and chamber with an 18-in deep sump. The Drainage Consultant found the size of this drainage grate and chamber to be too small. The grate shall be increased to 30-in square or 24-in by 36-in minimum. The chamber shall have a 24-in deep sump, and shall have a catch basin trap.
- The Drywell detail indicates that the surface runoff in the vicinity is to be graded toward an open drainage grate at the center of the Drywell. The open grate must be replaced with a solid cover and the runoff directed to an additional catch basin/inlet immediately upstream from the Drywell. This inlet must be as previously described above.
- The 316 contour at the southeast corner of the site is not drawn correctly and must be revised.

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

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

21. All required permits shall be obtained from the Rockland County Department of Highways.

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

23. The 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.

24. 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. The applicant shall contact Brian Hunderfund to coordinate. Not other Rockland County Health Department approvals are needed for this application.

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TOWN OF ORANGETOWN PLANNING BOARD DECISION

July 23, 2008

**Gleeson Site Plan; Final Site Plan Approval
Subject to Conditions/ Neg. Dec.
Critical Environmental Area**

25. The New York State Department of Transportation (NYSDOT) has reviewed the drainage study and will need to be reviewed by its design group. The study and details fail to show the depth to bedrock. The applicant will need to provide this information prior to NYSDOT review.

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

- Rockland County Department of Planning
- Rockland County Department of Highways
- Rockland County Department of Health
- Rockland County Drainage Agency
- Rockland County Sewer District #1
- New York State Department of Transportation

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

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

29. 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

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TOWN OF ORANGETOWN PLANNING BOARD DECISION

July 23, 2008

**Gleeson Site Plan; Final Site Plan Approval
Subject to Conditions/ Neg. Dec.
Critical Environmental Area**

Continuation of Condition #29...

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.

- 30.** 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.
- 31.** 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.
- 32.** The contractor's trailer, if any is proposed, shall be located as approved by the Planning Board.
- 33.** 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).
- 34.** Permanent vegetation cover of disturbed areas shall be established on the site within thirty (30) days of the completion of construction.
- 35.** 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
- 36.** The Planning Board shall retain jurisdiction over lighting, landscaping, signs and refuse control.

The foregoing Resolution was made and moved by Kevin Garvey and seconded by Bruce Bond and carried as follows: Robert Dell, aye; Bruce Bond, aye; Anthony Iurica, nay; William Young, aye; John Foody, nay; 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 23, 2008

Town of Orangetown Planning Board

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

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**TOWN OF ORANGETOWN PLANNING BOARD DECISION
July 23, 2008**

**Gleeson Site Plan; Final Site Plan Approval
Subject to Conditions/ Neg. Dec.
Critical Environmental Area**

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: Gleeson Site Plan: Construction of a new in-ground swimming pool and patio in the rear yard of an existing home. The work will also include the construction of new retaining walls and regrading of the site.

SEQR STATUS: Type I _____; Unlisted XXXXXX

CONDITIONED NEGATIVE DECLARATION: Yes _____; No XXXXXX

DESCRIPTION OF ACTION: Site Plan Review: Critical Environmental Area

LOCATION: The site is located at 5 Treeline Terrace, Upper Grandview, Town of Orangetown, Rockland County, New York and as shown on the Orangetown Tax Map as Section 71.09, Block 1, Lot 36 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

