

**Meeting of July 27, 2011
TOWN OF ORANGETOWN PLANNING BOARD**

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

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

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

O'Brien & Massetti Resubdivision Plan Prepreliminary/Preliminary/Final Resubdivision Plan and SEQRA Review 68.20/2/25 & 31; RG zoning district	Preliminary Approval Subject to Conditions/ Neg. Dec.	PB #11-33
Highland Mews at Sparkill Subdivision Plan Final Subdivision Plan Review Sparkill Overlay Zone 77.08/5/49; CS zoning district	Final Approval Subject to Conditions	PB #10-34
Highland Mews at Sparkill Site Plan Final Site Plan Review Sparkill Overlay Zone 77.08/5/49; CS zoning district	Final Site Plan Approval Subject to Conditions	PB #10-35
Schuyler Associates LLC Sub. Plan Prepreliminary/Preliminary Subdivision Plan and SEQRA Review 65.15/1/7; R-40 zoning district	Preliminary Approval Subject to Conditions/ Neg. Dec.	PB #11-36
Dansker Site Plan Final Site Plan Review Critical Environmental Area 71.09/1/34; R-22 zoning district	Final Site Plan Approval Subject to Conditions	PB #11-37
Blickman Subdivision Plan Request for Amendments to Performance Bond 69.19/1/25.1, 25.2 & 25.3; R-40 zoning district	Reduced Performance Bond Amount & Granted Extension in Term	PB #11-38
<u>Continued Item from the September 16, 2009 Meeting:</u> The Esplanade Palisades Site Plan Prepreliminary/Preliminary Site Plan and SEQRA Review 78.17/2/1; R-40 zoning district	Preliminary Site Plan Approval Subject Subject to Conditions/ Neg. Dec.	PB #09-49

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Planning Board Meeting

The decisions of the July 13, 2011 Planning Board Meeting was reviewed, edited, and approved. The motion for adoption was made and moved by John Foody and seconded by Bruce Bond and carried as follows: Robert Dell, aye; Kevin Garvey, aye; Bruce Bond, aye, Jeffrey Golda, aye; John Foody, aye; Andy Stewart, aye and William Young, aye.

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

Since there was no further business to come before the Board, a motion to adjourn the meeting was made by Bruce Bond and seconded by Andy Stewart 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 14, 2011**.

DATED: July 27, 2011

Town of Orangetown Planning Board

PB #11-33: O'Brien & Massetti Resubdivision; Preliminary Subdivision Plan Approval Subject to Conditions/ Neg. Dec.

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TO: Peter O'Brien, 160 Franklin Avenue, Pearl River, New York
FROM: Orangetown Planning Board

RE: O'Brien & Massetti Resubdivision Plan: The application of Peter J. O'Brien, applicant, (James Riley, Attorney for the applicant), Mark Massetti, owner, for Prepreliminary/ Preliminary Resubdivision Plan Review, at a site to be known as "**O'Brien & Massetti Resubdivision 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 160 Franklin Avenue and 163 Prospect Place, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 68.20, Block 2, Lots 25 & 31 in the RG zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, July 27, 2011**, the Board made the following determinations:

Peter O'Brien appeared and testified.

The Board received the following communications:

1. Project Review Committee Reports dated July 20, 2011.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated July 27, 2011.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., July 21, 2011.
4. Letters from Rockland County Department of Planning, signed by Thomas B. Vanderbeek, Commissioner of Planning, dated July 22, 2011.
5. Letters from the Rockland County Department of Highways, signed by Joseph Arena, July 19, 2011.
6. A letter from Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer, dated July 11, 2011.
7. Letters from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated June 27 & 28, 2011.

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8. A letter from the Town of Orangetown Zoning Board of Appeals, signed by William Mowerson, dated July 20, 2011.

9. A Short Environmental Assessment Form signed by Peter O'Brien dated June 21, 2011.

10. Lot Line Change Map prepared for O'Brien & Massetti prepared by Joseph Haller, PLS, dated June 15, 2011:

Public Comments:

Patricia Barry, 155 Prospect Place, Pearl River, raised concerns regarding the subdivision of the Massetti property because she and the Massetti's have existing drainage issues. Ms. Barry believed that there may be a problem with the Land Survey.

Gerard Carley, 152 Franklin Avenue, Pearl River, supports the resubdivision of property.

The Board reviewed the plan.

A motion was made to close the Public Hearing portion of the meeting by Bruce Bond and second by William Young and carried as follows: Bruce Bond, aye; Andy Stewart, aye; William Young, aye; Robert Dell, aye; John Foody, 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 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 Joseph Haller, PLS and having heard from the following offices, officials and/or Departments: (Town of Orangetown): Project Review Committee, Office of Building, Zoning, Planning Administration and Enforcement and Department of Environmental Management and Engineering; and having heard from the following involved and interested agencies: Town of Orangetown Zoning Board of Appeals, Rockland County Department of Planning, Rockland County Department of Highways, Rockland County Department of Health, Rockland County Sewer District No.1, and having reviewed a proposed Subdivision plan by prepared by Joseph Haller, PLS a summary of the reasons supporting this determination are, and the Planning Board finds, that the proposed action:

- Will not significantly affect existing air quality or noise levels;
- Will not significantly affect existing surface water quality or quantity or drainage;
- Will not significantly affect existing ground water quality or quantity;
- Will not significantly affect existing traffic levels;
- Will not create a substantial increase in solid waste production;
- Will not create a potential for erosion, flooding, leaching or drainage problems;
- Will not have a significant adverse impact on the environmental characteristics of our critical environmental area or environmentally sensitive sites or features;
- Will not have an impairment of the character or quality of important historical, archeological or architectural resources;
- Will not have an impairment of the character or quality of important aesthetic resources;
- Will not have an impairment of existing community or neighborhood character;
- Will not remove or destroy large quantities of vegetation or fauna;
- Will not remove or destroy large quantities of wildlife species or migratory fish;

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- Will not have a significant adverse impact to natural resources;
- Is consistent with the Town of Orangetown's Comprehensive/Master Plan;
- Will not have adverse economic or social impacts upon the Town;
- Will not create a hazard to human health; and
- Will not create a substantial change in the use of land, open space or recreational resources.

On motion by Bruce Bond and seconded by John Foody and carried as follows: 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.

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

1. The following note shall be placed on the subdivision plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a Pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a Meeting."
2. Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations
3. The Applicant is proposing to relocate a property line. The following variances for pre-existing conditions need to be sought from the Town of Orangetown Zoning Board of Appeals:

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Continuation of Condition #3....

	Lot #25	Lot #31
a) Minimum Lot Area Required is 10,000 sf. (Sec. 3.12, Group Q, Col. 5)	4,000 sf. existing 6,940 sf. proposed	12,130 sf. existing 9,190 sf. proposed
b) Minimum Lot Width Required is 75 ft. (Sec. 3.12, Group Q, Col. 6)		65.5 ft. existing
c) Minimum Front Yard Required is 20 ft. (Sec. 3.12, Group Q, Col. 8)	19.3 ft existing	16.9 ft. existing
d) Minimum Side Yard Required is 10 ft. (Sec. 3.12, Group Q, Col. 9)	2.7 ft existing	7.7 ft. existing
e) Total Side Yard Required is 30 ft. (Sec. 3.12, Group Q, Col. 10)	20.3 ft. existing	
f) Maximum Building Height Allowed is ¼"/Foot From property line The existing heights of the buildings need to be calculated. (Sec. 3.12, Group Q, Col. 12)	3.60 feet	10.27 feet

4. The Short Environmental Assessment Form, Item #8 shall be answered "No" and "Zoning Board of Appeals variances required" added to the description. Item #9 needs to be answered.

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

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6. Iron pins shall be drawn and labeled at each property corner.
7. The existing sanitary sewer house connections shall be shown on the plan, including all inverts.
8. Rockland County Department of Planning had the following comments which are incorporated herein as conditions of approval:
 - 1) As required by the Rockland County Stream Control Act, Chapter 846, all subdivision maps must be signed by the Chairman of the Rockland County Drainage Agency before the Rockland County Clerk will accept same for filing.
 - 2) Note #1 on the subdivision map refers to New York State General Municipal Law Section 239L, this shall be corrected to refer to Section 239N.
 - 3) Note #2 refers to Lot 68.20/3/33, which does not exist, and shall be corrected to refer to Lot #31 or to lots #31 and #25. Alternatively, Note #2 could be deleted as Note #4 and Note #5 refer to the correct lot numbers.
9. The Rockland County Department of Highway reviewed the plans and information provided and found the proposed action shall have not foreseeable adverse impact upon county roads in the area.
10. 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 no future correspondence is requested for this site.
11. The Rockland County Department of Health (RCDOH) reviewed the plans and found that there are no Rockland County Health Department approvals needed for this application.
12. The following agencies do not object to the Town of Orangetown Planning Board assuming responsibilities of lead agency for SEQRA purposes:
 - Rockland County Department of Planning
 - Rockland County Sewer District #1
 - Rockland County Department of Health
 - Rockland County Department of Highways
 - Town of Orangetown Zoning Board of Appeals

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

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

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

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

One (1) foot radius from trunk per inch DBH

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

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

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Continuation of Condition #15....

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.

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

17. 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.

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

19. 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).

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

21. 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

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

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

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

Dated: July 27, 2011
Town of Orangetown Planning Board
Attachment

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

**PB #11-33: O'Brien & Massetti Resubdivision; Preliminary Subdivision
Plan Approval Subject to Conditions/ Neg. Dec.**

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

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

NAME OF ACTION: **O'Brien & Massetti Resubdivision**

SEQR STATUS: Type I _____ Unlisted XXXXXX

CONDITIONED NEGATIVE DECLARATION: Yes _____ No XXXXXX

DESCRIPTION OF ACTION: **Resubdivision**

LOCATION: The site is located at 160 Franklin Avenue and 163 Prospect Place, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 68.20, Block 2, Lots 25 & 31 in the RG zoning district.

REASONS SUPPORTING THIS DETERMINATION:

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

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

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

For Further Information contact:

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

Town of Orangetown

20 Greenbush Road

Orangeburg, NY 10962

Telephone Number: 845-359-5100

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

PB #11-34: Highland Mews at Sparkill Subdivision Plan; Final Subdivision Plan Approval Subject to Conditions

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TO: John Mascia, 29 Athena Lane, Hopewell Junction,
New York 12533
FROM: Orangetown Planning Board

RE: Highland Mews at Sparkill Subdivision Plan: The application of John Mascia, owner, (Robert J. Prier, attorney for the applicant) for Final Subdivision Plan Review, for a site located in the Sparkill Overlay Zone, to be known as "**Highland Mews at Sparkill 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 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 27, 2011** at which time the Board made the following determinations:

John Mascia, William Youngblood and Robert Prier appeared and testified. The Board received the following communications:

1. Project Review Committee Reports dated July 20, 2011.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated July 27, 2011.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., July 21, 2011.
4. A letter from HDR signed by Michael Murphy, P.E., dated July 20, 2010, with attachments.
5. A letter from the Rockland County Department of Planning, signed by Thomas Vanderbeek, Commissioner of Planning, dated July 22, 2011.
6. A letter from Rockland County Department of Highways, signed by Joseph Arena, Principal Engineering Technician, dated July 26, 2011.

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7. A letter from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated June 28, 2011.
8. A letter from the State of New York Department of Transportation, signed by Mary Jo Russo, Rockland County Permit Engineer, dated July 14, 2011.
9. A letter from the Village of Piermont Planning Board, signed by Dennis Michaels, Attorney for the Piermont Planning Board, dated July 14, 2011.
10. Plans prepared by William D. Youngblood Land Surveying, dated January 30, 2006, last revised June 13, 2011:
 - Drawing 1 of 4: Minor Subdivision
 - Drawing 2 of 4: Grading, Utility & Erosion Control Plan
 - Drawing 3 of 4: Landscaping & Lighting Plan
 - Drawing 3 of 4: Detail Plan
11. Copies of the following Board Decisions: ACABOR #11-19, Lighting Plan Approved, dated July 7, 2011; ACABOR #11-09, Approved with Conditions, dated June 2, 2009; ZBA #11-05, Front Yard Variances for Lot #1, #2, #3 and #4, dated January 19, 2011 and PB #10-30, Preliminary Subdivision Plan Approval Subject to Conditions, dated October 27, 2010.

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 Bruce Bond and second 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,

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

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

PB #11-34: Highland Mews at Sparkill Subdivision Plan; Final Subdivision Plan Approval Subject to Conditions

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2. The following note shall be placed on the Subdivision 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 applicant shall comply with all pertinent and applicable prior Board Decisions: ACABOR #11-19, Lighting Plan Approved, dated July 7, 2011; ACABOR #11-09, Approved with Conditions, dated June 2, 2009; ZBA #11-05, Front Yard Variances for Lot #1, #2, #3 and #4, dated January 19, 2011 and PB #10-30, Preliminary Subdivision Plan Approval Subject to Conditions, dated October 27, 2010.

4. The subdivision is being undertaken in connection with the Sparkill Hamlet Center Overlay Zoning District and as part of the Site Plan for the same project.

5. Based on the Planning Board's Drainage Consultant's review of the submitted plans and calculations, the Consultant believes that the proposed development plan can be revised to achieve a zero net increase in runoff rate under a 24-hr, 100-yr Type III storm and therefore recommends acceptance for drainage subject to the following conditions:

--Show all the roof drains on the plan, including those from Units 1 and 4, to the drywells. Show the size of each roof drain. Provide a manhole, catch basin or cleanout at all changes of direction of the roof drains, and appropriate details. (No roof leaders from Units 1 and 4 are shown on the plans. The applicant shall clarify how the roof runoff from these units will get into the on-site storm water management system. Furthermore, the applicant shall provide details for the roof leaders, and show how these leaders tie into the drywells).

- The grading of the paved parking area does not work. The rear of the site is relatively flat at EL 51 and will not drain. A low spot at EL 50.75 will pond water to a depth of 3-in. The catch basins should be located at low points to capture runoff. (While the applicant has eliminated the low point of EL 50.75 from the previous plan, the grading of the paved parking area now appears to be level. The applicant shall consider raising the spot elevations along the southern boundary to ensure drainage will flow toward the catch basins).

PB #11-34: Highland Mews at Sparkill Subdivision Plan; Final Subdivision Plan Approval Subject to Conditions

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Continuation of Condition #5.....

-The Applicant shall provide a pipe trenching detail. This detail shall include what will be proposed for the road and right of way restoration for the 4" PVC pipe.

- Sheet 2 of 4 of the plans show the applicant tying in the 4" PVC to an existing catch basin within the Washington Street (aka County Route 8) right of way. This was not shown on the previous plans. The applicant shall obtain input and approval from the Rockland County Department of Public Works for the proposed construction.

- Sheet 2 of 4 of the plans show the applicant tying in with 4" PVC to an existing catch basin within the Washington Street (aka County Route) right of way. The applicant shall provide a detail shown how this 4" PVC will tie in to this catch basin.

- Sheet 2 of 4 – Erosion Control Notes – The applicant shall specify where the proposed temporary sediment entrapment areas will be located.

- Sheet 2 of 4 – Erosion Control Notes – The applicant shall provide a detail for the temporary sediment entrapment areas.

- Sheet 2 of 4 – Erosion Control Notes – Notes shall specify who will be responsible for carrying out the erosion controls for the site during construction.

- Sheet 2 of 4 – Erosion Control Notes – Note 8(G) – The note shall specify a minimum of 4 inches of topsoil, preferably 6 inches.

- The applicant shall provide a profile of the 4" PVC to the existing catch basin with the County Route 8 right of way.

- Additional conditions may be added based on response to these conditions.

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

PB #11-34: Highland Mews at Sparkill Subdivision Plan; Final Subdivision Plan Approval Subject to Conditions

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Continuation of Condition #6.....

- 1) A review shall be completed by the Village of Piermont and their comments considered and satisfactorily addressed, as well as any additional concerns about the subdivision and site plan.
 - 2) Water is a scarce resource in Rockland County; thus proper planning and phasing of this project are critical to supplying the current and future residents of the Towns, Villages and County with an adequate supply of water. A letter from the public water supplier, stamped and sealed by a NYS licensed professional engineer, shall be issued to the municipality for this project, certifying that there will be a sufficient water supply during peak demand periods and in a drought situation.
 - 3) As indicated in the June 30, 2010 letter from the Rockland County Drainage Agency, this agency must review and sign the subdivision plat before it can be recorded in the County Clerk's office.
 - 4) Eight of the parking spaces to be used for this development are located off of the site and across the street. A map showing their location in relation to the site must be included. To ensure safety of pedestrians, a pedestrian crossing shall be provided with a clearly marked crosswalk, if appropriate.
 - 5) A review shall be completed by the Rockland County Health Department with regard to the decommissioning of the existing cesspool on the site.
 - 6) Prior to any grading or construction on the site, a soil and erosion control plan shall be developed that meets the New York State Guidelines for Urban Erosion and Sediment Control.
 - 7) There shall be no net increase in peak stormwater discharge from the site at all design points.
 - 8) A stormwater pollution prevention plan (SWPPP) was not provided. The SWPPP, if required, shall conform to the current regulations, including the New York State Stormwater Management and Design Manual (August 2010) and local ordinances.
7. Rockland County Department of Highways reviewed the Plans and information provided and found that the proposed action should have no foreseeable adverse impact upon county roads in the area.
8. The Village of Piermont Planning Board reviewed the plans and recommend approval of the proposed project.

PB #11-34: Highland Mews at Sparkill Subdivision Plan; Final Subdivision Plan Approval Subject to Conditions

Town of Orangetown Planning Board Decision

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9. The Rockland County Department of Health (RCDOH), Environmental Health Program reviewed the Plans and offered the following comments:

- Application is to be made to the RCDOH for review of the Stormwater Management system for compliance with the County Mosquito Code.
- Existing cesspool is to be pumped out by a licensed hauler and backfilled with pea gravel or other similar material.

10. The New York State Department of Transportation (NYSDOT) reviewed the plans and holds that this property is located on a section of the road not under the jurisdiction of NYSDOT and does not feel that the proposed development will have a major impact on the state transportation system.

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

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

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

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

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Continuation of Condition #13.....

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.

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

15. 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.

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

PB #11-34: Highland Mews at Sparkill Subdivision Plan; Final Subdivision Plan Approval Subject to Conditions

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17. 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).

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

19. 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

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

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

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

Dated: July 27, 2011

Town of Orangetown Planning Board

**PB #11-35- Highland Mews at Sparkill Site Plan – Final Site Plan Approval
Subject to Conditions**

Town of Orangetown Planning Board Decision

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TO: John Mascia, 29 Athena Lane, Hopewell Junction,
New York 12533
FROM: Orangetown Planning Board

RE: Highland Mews at Sparkill Site Plan: The application of John Mascia, owner, (Robert J. Prier, attorney for the applicant) for Final Site Plan Review, for a site located in the Sparkill Overlay Zone, to be known as "**Highland Mews at Site 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 21A of the Code of the Town of Orangetown. 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 27, 2011** at which time the Board made the following determinations:

John Mascia, William Youngblood and Robert Prier appeared and testified.

The Board received the following communications:

1. Project Review Committee Reports dated July 20, 2011
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 27, 2011.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering, (DEME) Town of Orangetown, signed by Bruce Peters, P.E., dated July 21, 2011.
4. A letter from HDR signed by Michael Murphy, P.E., dated July 20, 2011, with attachments.
5. A letter from the Rockland County Department of Planning, signed by Thomas Vanderbeek, Commissioner of Planning, dated July 22, 2011.
6. A letter from Rockland County Department of Highways, signed by Joseph Arena, Principal Engineering Technician, dated July 26, 2011.

**PB #11-35- Highland Mews at Sparkill Site Plan – Final Site Plan Approval
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**Town of Orangetown Planning Board Decision
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7. A letter from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated June 28, 2011.
8. A letter from the State of New York Department of Transportation, signed by Mary Jo Russo, Rockland County Permit Engineer, dated July 14, 2011.
9. A letter from the Village of Piermont Planning Board, signed by Dennis Michaels, Attorney for the Piermont Planning Board, dated July 14, 2011.
10. Plans prepared by William D. Youngblood Land Surveying, dated January 30, 2006, last revised June 13, 2011:
 - Drawing 1 of 4: Minor Subdivision
 - Drawing 2 of 4: Grading, Utility & Erosion Control Plan
 - Drawing 3 of 4: Landscaping & Lighting Plan
 - Drawing 3 of 4: Detail Plan
11. Copies of the following Board Decisions: ACABOR #11-19, Lighting Plan Approved, dated July 7, 2011; ACABOR #11-09, Approved with Conditions, dated June 2, 2009; ZBA #11-05, Front Yard Variances for Lot #1, #2, #3 and #4, dated January 19, 2011 and PB #10-30, Preliminary Subdivision Plan Approval Subject to Conditions, dated October 27, 2010.

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 Bruce Bond and second 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,

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."

**PB #11-35- Highland Mews at Sparkill Site Plan – Final Site Plan Approval
Subject to Conditions**

Town of Orangetown Planning Board Decision

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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 applicant shall comply with all pertinent and applicable prior Board Decisions: ACABOR #11-19, Lighting Plan Approved, dated July 7, 2011; ACABOR #11-09, Approved with Conditions, dated June 2, 2009; ZBA #11-05, Front Yard Variances for Lot #1, #2, #3 and #4, dated January 19, 2011 and PB #10-30, Preliminary Subdivision Plan Approval Subject to Conditions, dated October 27, 2010.
4. Sanitary calculations for the proposed site, prepared and sealed by a New York State Licensed Professional Engineer, shall be submitted to DEME for review and approval.
5. Details for all proposed drainage systems shall be added to the plans. Also, any proposed stormwater detention/ retention system shall address both water quantity and water quality.
6. The erosion control plans and details shall be modified to reflect a “Stone-filter” system around the proposed catch basin and other drainage facilities, for keeping out silt and foreign material. A detail for same shall be provided.
7. The sight distance to the sough west is too short. The minimum site distance allowed is a Non-residential/ Business – Industrial zone (Section 21-15 Orangetown Town Code) is 250 feet. This shall be corrected.
8. Catch basins with connection piping, shall be depicted on either side of the proposed driveway entrance on Washington Street.
9. Based on the Planning Board’s Drainage Consultant’s review of the submitted plans and calculations, the Consultant believes that the proposed development plan can be revised to achieve a zero net increase in runoff rate under a 24-hr, 100-yr Type III storm and therefore recommends acceptance for drainage subject to the following conditions:

**PB #11-35: Highland Mews at Sparkill Site Plan; Final Site Plan Approval
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**Town of Orangetown Planning Board Decision
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Continuation of Condition #9.....

--Show all the roof drains on the plan, including those from Units 1 and 4, to the drywells. Show the size of each roof drain. Provide a manhole, catch basin or cleanout at all changes of direction of the roof drains, and appropriate details. (No roof leaders from Units 1 and 4 are shown on the plans. The applicant shall clarify how the roof runoff from these units will get into the on-site storm water management system. Furthermore, the applicant shall provide details for the roof leaders, and show how these leaders tie into the drywells).

- The grading of the paved parking area does not work. The rear of the site is relatively flat at EL 51 and will not drain. A low spot at EL 50.75 will pond water to a depth of 3-in. The catch basins should be located at low points to capture runoff. (While the applicant has eliminated the low point of EL 50.75 from the previous plan, the grading of the paved parking area now appears to be level. The applicant shall consider raising the spot elevations along the southern boundary to ensure drainage will flow toward the catch basins).

-The Applicant shall provide a pipe trenching detail. This detail shall include what will be proposed for the road and right of way restoration for the 4" PVC pipe.

- Sheet 2 of 4 of the plans show the applicant tying in the 4" PVC to an existing catch basin within the Washington Street (aka County Route 8) right of way. This was not shown on the previous plans. The applicant shall obtain input and approval from the Rockland County Department of Public Works for the proposed construction.

- Sheet 2 of 4 of the plans show the applicant tying in with 4" PVC to an existing catch basin within the Washington Street (aka County Route) right of way. The applicant shall provide a detail shown how this 4" PVC will tie in to this catch basin.

- Sheet 2 of 4 – Erosion Control Notes – The applicant shall specify where the proposed temporary sediment entrapment areas will be located.

**PB #11-35: Highland Mews at Sparkill Site Plan; Final Site Plan Approval
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**Town of Orangetown Planning Board Decision
July 27, 2011
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Continuation of Condition #9.....

- Sheet 2 of 4 – Erosion Control Notes – The applicant shall provide a detail for the temporary sediment entrapment areas.
- Sheet 2 of 4 – Erosion Control Notes – Notes shall specify who will be responsible for carrying out the erosion controls for the site during construction.
- Sheet 2 of 4 – Erosion Control Notes – Note 8(G) – The note shall specify a minimum of 4 inches of topsoil, preferably 6 inches.
- The applicant shall provide a profile of the 4" PVC to the existing catch basin with the County Route 8 right of way.
- Additional conditions may be added based on response to these conditions.

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

- 1)** A review shall be completed by the Village of Piermont and their comments considered and satisfactorily addressed, as well as any additional concerns about the subdivision and site plan.
- 2)** Water is a scarce resource in Rockland County; thus proper planning and phasing of this project are critical to supplying the current and future residents of the Towns, Villages and County with an adequate supply of water. A letter from the public water supplier, stamped and sealed by a NYS licensed professional engineer, shall be issued to the municipality for this project, certifying that there will be a sufficient water supply during peak demand periods and in a drought situation.
- 3)** As indicated in the June 30, 2010 letter from the Rockland County Drainage Agency, this agency must review and sign the subdivision plat before it can be recorded in the County Clerk's office.

**PB #11-35: Highland Mews at Sparkill Site Plan; Final Site Plan Approval
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**Town of Orangetown Planning Board Decision
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Continuation of Condition #10.....

- 4)** Eight of the parking spaces to be used for this development are located off of the site and across the street. A map showing their location in relation to the site must be included. To ensure safety of pedestrians, a pedestrian crossing shall be provided with a clearly marked crosswalk, if appropriate.
 - 5)** A review shall be completed by the Rockland County Health Department with regard to the decommissioning of the existing cesspool on the site.
 - 6)** Prior to any grading or construction on the site, a soil and erosion control plan shall be developed that meets the New York State Guidelines for Urban Erosion and Sediment Control.
 - 7)** There shall be no net increase in peak stormwater discharge from the site at all design points.
 - 8)** A stormwater pollution prevention plan (SWPPP) was not provided. The SWPPP, if required, shall conform to the current regulations, including the New York State Stormwater Management and Design Manual (August 2010) and local ordinances.
- 11.** Rockland County Department of Highways reviewed the Plans and information provided and found that the proposed action should have no foreseeable adverse impact upon county roads in the area.
- 12.** The Village of Piermont Planning Board reviewed the plans and recommend approval of the proposed project.
- 13.** The Rockland County Department of Health (RCDOH), Environmental Health Program reviewed the Plans and offered the following comments:
- Application is to be made to the RCDOH for review of the Stormwater Management system for compliance with the County Mosquito Code.
 - Existing cesspool is to be pumped out by a licensed hauler and backfilled with pea gravel or other similar material.
- 14.** The New York State Department of Transportation (NYSDOT) reviewed the plans and holds that this property is located on a section of the road not under the jurisdiction of NYSDOT and does not feel that the proposed development will have a major impact on the state transportation system.

**PB #11-35: Highland Mews at Sparkill Site Plan; Final Site Plan Approval
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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.

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

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

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

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.

**PB #11-35: Highland Mews at Sparkill Site Plan; Final Site Plan Approval
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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 William Young and 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 27, 2011

Town of Orangetown Planning Board

PB #11-36: Schuyler Associates LLC. Subdivision; Preliminary Subdivision Plan Approval Subject to Conditions/ Neg. Dec.

Town of Orangetown Planning Board Decision

July 27, 2011

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TO: Donald Brenner, P.E., LL.B., 4 Independence Avenue, Tappan,
New York 10983

FROM: Orangetown Planning Board

RE: Schuyler Associates LLC. Subdivision Plan: The application of Dan Foley, applicant, for Schuyler Associates, LLC. owner, (Donald Brenner, Attorney for the owner), for Prepreliminary/Preliminary Subdivision Plan Review, at a site to be known as "Schuyler Associates LLC. Subdivision Plan", in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21 of the Code of the Town of and to determine the environmental significance of the application pursuant to the requirements of the New York State Environmental Quality Review Act. The site is located at 45 Schuyler Road, Nyack, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 65.15, Block 1, Lot 7 in the R-40 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, July 27, 2011**, the Board made the following determinations:

Donald Brenner, Jay Greenwell and Dan Foley appeared and testified.

The Board received the following communications:

1. Project Review Committee Reports dated July 20, 2011.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated July 27, 2011.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., July 21, 2011.
4. A letter from Maser Consulting Engineers, signed by Joseph Caruso, P.E., dated July 19, 2011.
5. Letters from Rockland County Department of Planning signed by Thomas B. Vanderbeek, Commissioner of Planning, dated July 21 & 22, 2011.
6. A letter from the Rockland County Department of Highways, signed by Joseph Arena, July 27, 2011.
7. A letter from Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer, dated June 15, 2011.
8. Letters from Rockland County Department of Health, signed by Scott McKane. P.E., Senior Public Health Engineer, dated June 15, 2011.
9. A letter from the Town of Orangetown Zoning Board of Appeals, signed by William Mowerson, dated June 15, 2011.
10. A letter from the Rockland County Drainage Agency, signed by Vincent Altieri, dated July 14, 2011.
11. A Short Environmental Assessment Form signed by Dan Foley dated June 8, 2010.

PB #11-36: Schuyler Associates LLC. Subdivision; Preliminary Subdivision Plan Approval Subject to Conditions/ Neg. Dec.

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12. Plans prepared by Jay Greenwell, PLS, dated May 14, 2011:

- Sheet 1: Subdivision
- Sheet 2: Grading, Drainage and Utility Plan
- Sheet 3: Detail Sheet

13. Hydraulic Analysis and Stormwater Design Calculations, prepared by Paul Gdanski, P.E., dated June 6, 2011.

Public Comments:

Ms Rock, 47 Schuyler Road, raised concerns regarding the preservation of trees on the site.

A motion was made to close the Public Hearing portion of the meeting by Bruce Bond and second by William Young and carried as follows: Bruce Bond, aye; Andy Stewart, aye; William Young, aye; Robert Dell, aye; John Foody, 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 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 #11-36: Schuyler Associates LLC. Subdivision; Preliminary Subdivision Plan Approval Subject to Conditions/ Neg. Dec.

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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 having heard from the following offices, officials and/or Departments: (Town of Orangetown): Project Review Committee, Office of Building, Zoning, Planning Administration and Enforcement and Department of Environmental Management and Engineering; and having heard from the following involved and interested agencies: Town of Orangetown Zoning Board of Appeals, Rockland County Department of Planning, Rockland County Department of Highways, Rockland County Department of Health, Rockland County Sewer District No.1, Rockland County Drainage Agency, and having reviewed a proposed Subdivision plan by prepared by Jay Greenwell, PLS, a summary of the reasons supporting this determination are, and the Planning Board finds, that the proposed action:

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

PB #11-36: Schuyler Associates LLC. Subdivision; Preliminary Subdivision Plan Approval Subject to Conditions/ Neg. Dec.

Town of Orangetown Planning Board Decision

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On motion by Bruce Bond and seconded by John Foody 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.

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

1. The following note shall be placed on the subdivision plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a Pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a Meeting."
2. Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations
3. The following note shall be placed on the Subdivision Plan: "The trees located in the Northeast corner of the site shall not be removed."
4. Contract Limit Lines shall be placed 25 feet from the rear property line and 15 feet from the Northern property line (property line between the Towns of Clarkstown and Orangetown).
5. The trees on the fronts of Lots #2, #3 and #4 shall be noted "to remain."
6. The applicant is proposing a 4 lot subdivision.

PB #11-36: Schuyler Associates LLC. Subdivision; Preliminary Subdivision Plan Approval Subject to Conditions/ Neg. Dec.

Town of Orangetown Planning Board Decision

July 27, 2011

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7. The following Variances need to be sought from the Town of Orangetown Zoning Board of Appeals:

- a) Minimum Front Yard Lot #1
 Required 50 feet 10.4 existing
 (Sec. 3.12, R-40, Group E, Col. 8)

- b) Lot #1 contains two residential structures. In order to keep the two structures, the applicant needs to seek relief from the definition of "Lot."
 (Sec. 11.2, Definitions, "Lot")

8. The results of the test pits shall be placed on the Subdivision Plans.

9. The septic systems and well locations require an approval from the Rockland County Department of Health.

10. The proposed subdivision plan shall be reviewed by the Town of Orangetown Architecture and Community Appearance Board of Review.

11. The sediment and erosion controls shall be shown on the Subdivision Plan. In addition, the appropriate protection measures shall be shown on the plans for the ditch/stream on Lots #3 and #4.

12. The Short Environmental Assessment Form shall be answered "No" and the "Zoning Board of Appeals" added to the explanation.

13. The Drainage calculations are currently under review by DEME.

14. Soil Erosion and Sediment Control Plans and Details shall be submitted to DEME for review and approval.

15. The applicant is reminded that the sanitary septic system for the lot must be reviewed and approved by the Rockland County Health Department. Copies of this approval shall be supplied to the Planning Board and DEME prior to signing of the Final Map.

16. Driveway profiles shall be provided for all three proposed lots.

PB #11-36: Schuyler Associates LLC. Subdivision; Preliminary Subdivision Plan Approval Subject to Conditions/ Neg. Dec.

Town of Orangetown Planning Board Decision

July 27, 2011

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17. An additional catch basin shall be added to all three driveways, to capture runoff from both sides of the proposed driveways.

18. The calculations for the proposed culvert for the driveway for Lot #4 shall be provided.

19. The applicant shall contact the Town of Orangetown Highway Department to determine if roadway improvements will be required for Schuyler Road.

20. The Drainage Consultant to the Planning Board, Maser Consulting, recommends acceptance for drainage subject to the satisfaction of the following conditions:

1) The site appears that it will exceed one acre of disturbance, but since the total build-out impervious will be less than 25%, the applicant will not be required to submit a full SWPPP.

2) Silt fence, inlet protection and other erosion control measures must be provided.

3) The "Stormtech Detention Plan" detail shows a system length of 23'. This length appears to reflect a system that is utilizing 6 chambers. This detail shall be revised to reflect the actual number of chambers required for each of the systems shown on the plans. The plans shall include pipe inverts.

4) The report indicates that the increase in impervious area will be mitigated by providing stormwater storage. The report does not indicate whether this system will be used for infiltration into the soil or if the storage will be utilized as detention and the water discharged at a controlled rate. The report shall indicate what method is being used to mitigate the stormwater runoff and shall provide the necessary backup calculations.

5) A stone curb is shown in the driveway detail but this is not reflected in the grading. This shall be clarified and could change the catch basin detail, as a curb inlet is shown for the catch basins.

6) The Stormtech Inlet from catch basin detail specifies an inlet elevation of 199.0. This does not appear to be correct.

7) The inspection port detail for the Stormtech system reflects installation in pavement. The structures are to be installed in lawn areas and as such, the details shall be revised.

8) The runoff coefficient for the existing calculations is for lawn areas. This shall be revised to reflect the coefficient for woods as the existing areas to be disturbed appears to be forested areas.

PB #11-36: Schuyler Associates LLC. Subdivision; Preliminary Subdivision Plan Approval Subject to Conditions/ Neg. Dec.

**Town of Orangetown Planning Board Decision
July 27, 2011
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Continuation of Condition #20...

9) Retaining walls over 4' shall be designed by a professional engineer. Top and bottom of wall elevations shall be provided.

10) The orientation of the drainage system shall be adjusted as some of the systems have approximately 6' of grade change over the length of the system.

11) The catch basins may not function as designed due to the volume and velocity of the runoff on the driveway.

12) A detail and calculations for the drainage culvert crossing the wetlands on Lot #4 shall be provided.

13) Health Department approvals will be required for this project.

14) The Engineers shall verify that the catch basin details meet the current Town of Orangetown requirements.

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

1) The subject property abuts the Town line along its northern boundary. New York State General Municipal Law states that the purposes of Section 239-1, 239-m and 239-n of the law shall be to bring pertinent intercommunity and countywide planning, zoning, site plan and subdivision considerations to the attention of neighboring municipalities and agencies having jurisdiction. Such review may include inter-community and county-wide considerations in respect to the compatibility of various land uses with one another; traffic generating characteristics of various land uses in relation to the effect of such traffic on other land uses and to the adequacy of existing and proposed thoroughfare facilities; and the protection of community character as regards predominate land uses, population density, and the relation between residential and nonresidential area. In addition, Section 239-nn was recently enacted to encourage the coordination of land use development and regulation among adjacent municipalities, so that, as a result, development occurs in a manner that is supportive of the goals and objections of the general area. The Town of Clarkstown must be given the opportunity to review the proposal and its impact on community character, traffic, water quantity and quality, drainage stormwater runoff and sanitary sewer service. The areas of countywide concern noted above that directly impact the Town of Clarkstown must be considered and satisfactorily addressed, as well as any additional concerns about the subdivision.

PB #11-36: Schuyler Associates LLC. Subdivision; Preliminary Subdivision Plan Approval Subject to Conditions/ Neg. Dec.

Town of Orangetown Planning Board Decision

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Continuation of Condition #21.....

- 2)** A review shall be completed by the Rockland County Park Commission and any concerns addressed.
- 3)** Confirmation is requested that any overflow from the StormTech 740 detention structure for Lot 4 will not flow onto Park land before reaching the intermittent waterway on the eastern portion of the lot. If this cannot be confirmed, then a redesign of the system must be done to assure that no stormwater will flow onto the Park land.
- 4)** A review shall be completed by the Rockland County Health Department, with regard to planned wells and septic systems, and all required permits obtained.
- 5)** If the wetlands are considered to be federal wetlands, a review shall be completed by the U.S. Army Corps of Engineers and any required permits obtained.
- 6)** There shall be no net increase in stormwater runoff from the site at all design points.
- 7)** A stormwater pollution prevention plan (SWPPP) was not provided. The SWPPP, if required shall conform to the current regulations, including the New York State Stormwater Management and Design Manual (August 2010) and local ordinances.
- 8)** Prior to any grading or construction on the site, a soil and erosion control plan shall be developed that meets the New York State Guidelines for Urban Erosion and Sediment Control.
- 9)** As required by the Rockland County Stream control Act, the subdivision plan must be reviewed and signed by the Chairman of the Rockland County Drainage Agency before the Rockland County Clerk will accept same for filing.
- 10)** The Rockland County Department of Planning requests the opportunity to review any variances that may be requested from the Town of Orangetown Zoning Board of Appeals in order to implement the revised Site Plan, as required by New York State General Municipal Law, Section 239-m, (a)(v).
- 11)** If it is the intention to maintain both of the existing residential structures as residences on Lot 1, note 25 shall be revised to address both residential structures.
- 12)** The grading, drainage and utility plan indicates that the deck of the smaller house on Lot 1 is to be removed. The similar note on the subdivision plan shall be clarified so that there will be no confusion regarding whether is only the deck that is to be removed.
- 13)** The symbol used to identify the wetland areas shall be added to the legend of the subdivision plan. Also, it is suggested that a symbol different from the wetlands symbol be used to identify the septic system features.

PB #11-36: Schuyler Associates LLC. Subdivision; Preliminary Subdivision Plan Approval Subject to Conditions/ Neg. Dec.

Town of Orangetown Planning Board Decision

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22. The Rockland County Department of Health (RCDOH) reviewed the plans and offers the following comments:

- a. Application is to be made to RCDOH for review of the Stormwater Management system for compliance with the County Mosquito Code.
- b. Test pit locations for proposed Lot 4 are to be shown on the plans.

23. 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 no future correspondence is requested for this site.

24. Based upon Rockland County Drainage Agency (RCDA) evaluation of available mapping and information submitted, 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 is not requested based upon review of the information provided. Please be advised that that pursuant to the Rockland County Stream Control Act, Chapter 846, requires that all subdivision maps must be signed by the Chairman of the Rockland County Drainage Agency before the Rockland County Clerk will accept same for filing.

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

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

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

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

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

PB #11-36: Schuyler Associates LLC. Subdivision; Preliminary Subdivision Plan Approval Subject to Conditions/ Neg. Dec.

Town of Orangetown Planning Board Decision

July 27, 2011

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Continuation of Condition #28...

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

One (1) foot radius from trunk per inch DBH

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

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

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

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

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

30. 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.

PB #11-36: Schuyler Associates LLC. Subdivision; Preliminary Subdivision Plan Approval Subject to Conditions/ Neg. Dec.

Town of Orangetown Planning Board Decision

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

32. 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).

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

34. 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

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

Override

The Board made a motion to override Condition #3 of the July 22, 2011 letter from Rockland County Department of Planning, signed by Thomas B. Vanderbeek, P.E., Commissioner of Planning, for the following reasons:

“3) A 25 foot buffer shall be maintained along all Park property. This buffer shall remain undisturbed by construction vehicles in order to protect the root systems of trees on the park property.”

**PB #11-36: Schuyler Associates LLC. Subdivision; Preliminary Subdivision
Plan Approval Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision
July 27, 2011
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The Board required as Condition #4 of this Decision, that the applicant create a Contract Limit Line during construction in the rear of the property and along the north property line.

(Condition # 4. Contract Limit Lines shall be placed 25 feet from the rear property line and 15 feet from the Northern property line (property line between the Towns of Clarkstown and Orangetown).)

A motion to override Condition #3 of the July 22, 2011 letter from Rockland County Department of Planning was made and moved by Bruce Bond and seconded by William Young and carried as follows: Bruce Bond, aye; Kevin Garvey, aye; Robert Dell, aye; Andy Stewart, aye; Jeffrey Golda, aye; William Young, aye and John Foody, aye.

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

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

Dated: July 27, 2011
Town of Orangetown Planning Board
Attachment

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

**PB #11-36: Schuyler Associates LLC. Subdivision; Preliminary Subdivision
Plan Approval Subject to Conditions/ Neg. Dec.**

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

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

NAME OF ACTION: **Schuyler Associates LLC Subdivision**

SEQR STATUS: Type I _____ Unlisted XXXXXX

CONDITIONED NEGATIVE DECLARATION: Yes _____ No XXXXXX

DESCRIPTION OF ACTION: **Subdivision**

LOCATION: The site is located at 45 Schuyler Road, Nyack, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 65.15, Block 1, Lot 7 in the R-40 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, Town Supervisor, Applicant, Involved

PB #11-37: Dansker Site Plan (Cabana): Final Site Plan Approval Subject to Conditions

Town of Orangetown Planning Board Decision

July 27, 2011

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TO: Donald Brenner, Esq., 4 Independence Avenue, Tappan,
New York, 10960

FROM: Orangetown Planning Board

RE: Dansker Site Plan: The application of Brad Dansker, owner, (Donald Brenner, Attorney for the owner) for Final Site Plan Review, at a site known as "**Dansker Site Plan**", located 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 7 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 34 in the R-22 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **July 27, 2011** at which time the Board made the following determinations:

Donald Brenner and William Youngblood appeared and testified for the applicant. The Board received the following communications:

1. A Project Review Committee Report dated July 20, 2011.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated February 27, 2011.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated February 21, 2011.
4. A letter from Rockland County Department of Planning, signed by Thomas Vanderbeek, P.E., Commissioner of Planning, dated July 20, 2011.
5. A letter from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated July 1, 2011.
6. A letter from the New York State Department of Transportation, signed by Mary Jo Russo, Rockland County Permit Engineer, dated February 18, 2011.
7. A Site Plan prepared by William Youngblood Land Surveying, dated November 11, 2010, last revised June 14, 2011.
8. Copies of the following Board Decisions ZBA #11-62, dated July 20, 2011 and PB #11-11, Preliminary Site Plan Approval Subject to Conditions, dated May 11, 2011.

PB #11-37: Dansker Site Plan (Cabana); Final Site Plan Approval Subject to Conditions

Town of Orangetown Planning Board Decision

July 27, 2011

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The hearing was then opened to the Public. There being no one to be heard from the Public, a motion was made to close the Public Hearing portion of the meeting by William Young and second by Bruce Bond and carried as follows: Kevin Garvey, aye; Bruce Bond, aye; Andy Stewart, aye; William Young, aye; Robert Dell, aye; John Foody, aye and Jeffrey Golda, 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."
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 following shall be placed as a note on the Site Plan: Site Plan approval does not authorize any encroachment upon contiguous properties.
4. The applicant shall comply with all pertinent and applicable conditions of all previous Board Decisions: ZBA #11-62, dated July 20, 2011 and PB #11-11, Preliminary Site Plan Approval Subject to Conditions, dated May 11, 2011.
5. The following shall be placed as a note on the Site Plan: The applicant shall make installation of the required drainage system, if and when drainage problems occur, as per Dominick R. Pilla letters dated May 3 and May 11, 2011.
6. The Planning Board waived the applicant's need to appear at the Town of Orangetown Architecture and Community Appearance of Review since the approval is for work already completed.

PB #11-37: Dansker Site Plan (Cabana); Final Site Plan Approval Subject to Conditions

Town of Orangetown Planning Board Decision

July 27, 2011

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7. The page and liber or instrument number, as well as ownership for the existing sanitary sewer easement, shall be given on the plan.

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

- The concerns expressed in the February 18, 2011 letter from the New York State Department of Transportation shall be addressed.
- It is Rockland County Department of Planning understanding the subject request is for approval of work already completed. If this is the case, the Town shall be satisfied that appropriate remediation was completed.
- The Town shall be assured that the construction that was completed has not resulted in any net increase in the peak rate of storm water discharge from the site at all design points.

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

- No Rockland County Health Department approvals are needed for this application.

10. The New York State Department of Transportation (NYSDOT) reviewed the existing conditions shown on the subject site plans and while they do not meet the NYSDOT standards regarding offsets from the state highways, they do not appear to have a negative impact on Route 9W as there is adequate setback from the actual road. If future drainage problems result from the site, the property owner will be responsible to make the necessary repairs. A copy of the existing site drainage shall be provided to NYSDOT for their records.

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

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

13. 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.

PB #11-37: Dansker Site Plan (Cabana); Final Site Plan Approval Subject to Conditions

Town of Orangetown Planning Board Decision

July 27, 2011

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Continuation of Condition #13....

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.

14. 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.

15. 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.

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

PB #11-37: Dansker Site Plan (Cabana); Final Site Plan Approval Subject to Conditions

Town of Orangetown Planning Board Decision

July 27, 2011

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17. 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).

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

19. 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

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

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

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

Dated: July 27, 2011

Town of Orangetown Planning Board

PB #11-38 – Blickman Subdivision Plan– Granted a Reduction in the Performance Bond Amount and Extension of Term

Town of Orangetown Planning Board Decision

July 27, 2011

Page 1 of 2

TO: Victoria Blickman Jacqueney, 15 Sickletown Road, Pearl River,
New York, 10965

FROM: Orangetown Planning Board

RE: Blickman Subdivision Plan: The application of Victoria Blickman Jacqueney, Trustee, owner, for Amendments to the Performance Bond for a site known as "**Blickman 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 15 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, Lots 25.1, 25.2 & 25.3 in the R-40 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, July 27, 2011**, at which time the Board made the following determination:

Victoria B. Jacqueney appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated July 20, 2011.
2. 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 27, 2011.
3. An interdepartmental memorandum signed by Bruce Peters, P.E., Department of Environmental Management and Engineering (DEME), Town of Orangetown dated July 21, 2011.
4. An interdepartmental memorandum signed by James Dean, Superintendent of Highways, Highway Department, Town of Orangetown dated July 19, 2011.
5. A letter from Victoria B. Jacqueney, Trustee, dated July 7, 2011, with attachments.
6. PB #09-56; Extension of the Term of the Performance Bond and Increase Bond Amount, Subject to Conditions, dated October 28, 2009.

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 William Young and seconded by Bruce Bond and carried as follows: Bruce Bond, aye, Andy Stewart, aye, Jeffrey Golda, aye, John Foody, aye, Robert Dell, aye, William Young, aye, and Kevin Garvey, aye.

PB #11-38 – Blickman Subdivision Plan– Granted a Reduction in the Performance Bond Amount and Extension of Term

Town of Orangetown Planning Board Decision

July 27, 2011

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DECISION: In view of the foregoing, the Board **GRANTED A REDUCTION IN THE AMOUNT OF THE PERFORMANCE BOND AND GRANTED A ONE YEAR EXTENSION OF THE TERM OF THE BOND UNTIL JULY 27, 2012**, subject to the following conditions:

1. All previous conditions of subdivision approvals and performance bond requirements remain in effect.
2. The applicant shall comply with the amount of the Performance Bond in accordance with the interdepartmental memorandum signed by Bruce Peters, P.E., Department of Environmental Management and Engineering (DEME), Town of Orangetown dated July 21, 2011.

<u>ITEM</u>	<u>COST</u>
Curbing	\$ 14,000.00
Sidewalk	\$ 12,775.00
Driveway Opening	3,000.00
As-Builts drawings	1,800.00
Soil Erosion & Sediment Control	15,787.00
Sanitary Sewer System	7,050.00
	<u>Sub-Total \$ 54,412.00</u>

Administrative Close-out (20% of Sub-Total) \$ 10,882.40

Total Bond \$ 65,294.40

Revised Inspection Fee not Required.

All Bonds are to conform to current town regulations and are subject to approval by the Town of Orangetown Town Attorney's Office as to form and substance.

The foregoing Resolution was made by William Young and seconded by Bruce Bond and carried as follows: Bruce Bond, aye; Andy Stewart, aye; Jeffrey Golda, aye; John Foody, aye; Robert Dell, aye; William Young, aye and Kevin Garvey, 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 27, 2011

Town of Orangetown Planning Board

PB #09-49: The Esplanade Palisades Site Plan; Preliminary Site Plan Approval Subject to Conditions/Neg. Dec.

TOWN OF ORANGETOWN PLANNING BOARD DECISION

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

RE: The Esplanade Palisades Site Plan: The application of Palisades Gardens Group, owner, (Donald Brenner, Attorney for the applicant) for Prepreliminary/Preliminary Site Plan Review for the site plan review at a site known as "**The Esplanade Palisades Site Plan**", in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21A of the Code of the Town of Orangetown and to determine the environmental significance of the application pursuant to the requirements of the New York State Environmental Quality Review Act. The site is located at 640 Oak Tree Road, Palisades, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 78.17, Block 2, Lot 1 in the R-40 zoning district.

Heard by the Planning Board of the Town of Orangetown at meetings held **Wednesday, September 16, 2009 and July 27, 2011**, at which time the Board made the following determinations:

September 16, 2009

Donald Brenner, Michael Shilale and Joseph Caruso appeared and testified for the applicant.

1. Project Review Committee Report dated September 9, 2009.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated September 16, 2009.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated September 9, 2009.
4. A letter from HDR, signed by Harvey Goldberg, P.E., dated August 31, 2009.
5. Letters from the Rockland County Department of Planning, signed by Eileen Miller, dated July 28, 2009 and Salvatore Corallo, Commissioner of Planning, dated July 31, 2009.
6. A letter from Rockland County Highway Department, signed by Joseph Arena, Principal Engineering Technician, dated August 27, 2009.
7. A letter from the Rockland County Sewer District No. 1., signed by Joseph LaFiandra, Engineer II, dated September 15, 2009.

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8. A letter from the Rockland County Drainage Agency, signed by Edward Devine, Executive Director, dated July 17, 2009.
9. Letters from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated July 14, 2009.
10. A letter from the Palisades Interstate Park Commission, signed by Karl Roecher, Landscape Architect, dated August 12, 2009.
11. A letter from the Town of Orangetown Zoning Board of Appeals, signed by William Mowerson, Chairperson, dated July 15, 2009.
12. Conceptual Site Plan prepared by Maser Consulting, dated April 7, 2009.
13. Architectural Plans prepared by Michael Shilale Architects, LLP, last revision date of June 26, 2009:
 - A-000: Cover Sheet: dated October 2, 2008
 - B-100: Code Analysis: January 27, 2009
 - A-101.1: First Floor Phase 1: September 2, 2008
 - A-102.1: Second Floor Phase 1: September 2, 2008
 - A-101.2: First Floor Phase 2: September 2, 2008
 - A-102.2: Second Floor Phase 2: September 2, 2008
 - A-103.2: Third Floor Phase 2: September 2, 2008
 - A-101.3: First Floor Phase 3: November 20, 2008
 - A-102.3: Second Floor Phase 3: November 20, 2008
 - A-200: Elevations: September 2, 2008
 - A-021: Elevations: September 2, 2008
 - A-202: Elevations: September 2, 2008
 - A-203: Elevations: September 2, 2008

The applicant requested a **CONTINUATION**.

July 27, 2011

Donald Brenner, Susan Diamond and Joseph Caruso appeared and testified.

1. Project Review Committee Report dated July 20, 2011.
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 27, 2011.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated July 21, 2011.

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4. Letters from Dominick R. Pilla Associates, signed by Dominick R. Pilla, P.E., C.E., S.E., R.A., dated July 19 & 22, 2011.
5. A letter from the Rockland County Department of Planning, signed by Thomas Vanderbeek, Commissioner of Planning, dated July 26, 2011.
6. A letter from Rockland County Highway Department, signed by Joseph Arena, Principal Engineering Technician, dated July 26, 2011.
7. A letter from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated June 28, 2011.
8. A letter from the Palisades Interstate Park Commission, signed by Karl Roecher, Landscape Architect, dated July 19, 2011.
9. Drainage and Hydrology Report, component of the Stormwater Pollution Prevention Plan, prepared by Maser Consulting, dated June 2011.
10. Site Plans prepared by Maser Consulting, dated June 16, 2011:
 - Sheet 1 of 9: Layout Plan
 - Sheet 2 of 9: Grading & Drainage Plan
 - Sheet 3 of 9: Erosion Control Plan
 - Sheet 4 of 9: Erosion Control Details
 - Sheet 5 of 9: Construction Details (1 of 2)
 - Sheet 6 of 9: Construction Details (2 of 2)
 - Sheet 7 of 9: Landscape Plan
 - Sheet 8 of 9: Lighting Plan
 - Sheet 9 of 9: Landscape and Lighting Details

Public Comments:

Richard Rasmussen, 644 Oak Tree Road, Palisades; raised concerns regarding the location of the refuse dumpster on the site, parking and the proposed height of the building additions.

Paul George, 46 Hey Ho Woods Road, Palisades; expressed concerns regarding the lights shining onto his property from the development, size of the proposed structures and density of the development on the site.

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

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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 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, aye the Board declared itself Lead Agency.

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

After having identified the relevant areas of environmental concern, namely drainage, surface water runoff, land clearing, vegetation, fauna, traffic and noise levels, and after having taken a hard look at said environmental issues, and after having deliberated regarding such concerns, and having heard from the applicant, the applicant’s professional representatives, namely Maser Consulting and having heard from the following offices, officials and/or Departments: (Town of Orangetown): Project Review Committee, Office of Building, Zoning, Planning Administration and Enforcement and Department of Environmental Management and Engineering; and having heard from the following involved and interested agencies: Town of Orangetown Zoning Board of Appeals, Rockland County Department of Planning, Rockland County Department of Health, Rockland County Sewer District No.1, Rockland County Drainage Agency, and having reviewed a proposed Site Plan by prepared by Maser Consulting a summary of the reasons supporting this determination are, and the Planning Board finds, that the proposed action:

- Will not significantly affect existing air quality or noise levels;
- Will not significantly affect existing surface water quality or quantity or drainage;
- Will not significantly affect existing ground water quality or quantity;
- Will not significantly affect existing traffic levels;
- Will not create a substantial increase in solid waste production;

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

On motion by Bruce Bond and seconded by Andy Stewart 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.

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

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

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

3. On February 16, 1961, the Town of Orangetown Zoning Board of Appeals granted a Special Permit to the project site, Section 78.17, Block 2, Lot 1, to operate a "Home for the Aged." At that time, a "Declaration of Restrictive Covenants" was filed. On January 16, 1974, the Zoning Board of Appeals granted an Amendment of the Special Permit and a variance of section 7.34. From the above information, it was determined that the Amendment of the Special Permit allowed 75 additional residents to the 130 rooms in filed Covenant. Therefore, a total of 205 rooms are allowed under the Zoning Board of Appeals Decision #74-06. Please note an expiration date on the Zoning Board of Appeals Decision #74-06 does not exist.

4. The applicant shall supply a copy of the filed restrictive Covenant to the Town of Orangetown Planning Board to clarify the total number of rooms allowed.

5. Zoning Board of Appeals Decision #74-06 indicates that 75 additional rooms were to be built over Wings A, B, and C. The proposed conceptual plan shows additional wings, not in compliance with the minimum yard setbacks of 100 feet as filed in the Restrictive Covenant. Therefore, the applicant shall seek an amendment to requirement #9 of the Zoning Board of Appeals Special Permit.

6. The Short Environmental Assessment Form, Item #6, indicates "Addition of second floor on portion of existing building.," however additional wings are being proposed on the conceptual plans. Please clarify and correct the Short Environmental Assessment Form.

7. The Town of Orangetown Architecture and Community Appearance Board of Review shall review the Plans.

8. The legend shall provide an explanation as to what "E" and "D" buildings units represent on the drawings.

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

a) Maximum Floor Area Ratio allowed is 0.15 and 0.24 is proposed.
(Sec. 3.12, R-40, Group H, Col. 4)

b) Minimum Side Yard Setback Required 100 ft. (Sec. 3.12, R-40, Group H, Col. 9)	Existing Garage 47.5 ft.	Proposed Building F 67.3 ft.	Proposed Building G 81.3 ft.
---	--	--	--

c) Total Yard Setback
Required is 200 ft. 176.8 ft.
(Sec. 3.12, R-40, Group H, Col. 10)

d) Maximum Building Height allowed is 3'/foot from the property line and therefore, 16.83 feet is allowed for building unit "F" and 35 feet is proposed. It is not clear where the 35 feet height was taken from. Please clarify.
(Sec. 3.12, R-40, Group H, Col. 11)

10. The Stormwater Pollution Prevention Plan is under review by DEME.

11. Sanitary calculations for the proposed site, prepared and sealed by a New York State Licensed Professional Engineer, shall be submitted to DEME for review and approval.

12. The Soil Erosion and Sediment Control Plans and Details are under review by DEME.

13. The elevations and location of the referenced benchmark shall be added to note #6 on the Site Plan.

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14. All proposed sanitary mains shall be 8 inch, not 6 inch as noted on the Site Plan. In addition, the existing 8 inch main shall be replaced with a 9 inch main.

15. The page and liber or instrument number, as well as ownership for the existing sanitary sewer main shall be given on the Site Plans.

16. The Drainage Consultant to the Planning Board, Dominick R. Pilla Associates, have received and reviewed the revised documents prepared by Maser Consulting, last revision date of July 20, 2011; Drawing set, sheet numbers 2, 3 and 5 of 9 and the Drainage and Hydrology Report. In its letter dated July 22, 2011, Dominick R. Pilla Associates reviewed the revised material with respect to comments 1 through 10 offered in its previous letter of July 19, 2011 and based on the review of revised material, **recommended approval of the proposed scope of drainage work**. Any changes made to the proposed drainage design require additional reviews.

July 19, 2011 comments 1 through 10 are as follows:

- 1.** The input data shown on page 16 of the Drainage and Hydrology Report does not appear to include all relevant outlet data for outlet structure 2. A 0.05 diameter orifice at invert elevation 152' and 2' weir at create elevation 154.25' have been shown, but the weir necessary to model the top opening (the remaining 14 linear feet of weir at elevation 155.50'), seem to have been omitted. While this omission would result in a more conservative sizing of the pocket pond volume, the calculated peak flow volumes down flow of the pond would be under - designed. Please provide calculation results ensuring adequate sizing of this outlet piping.
- 2.** Please revise legend on grading & drainage plan (Sheet 2 of 9) to include:
 - a. Arrowed breaklines which appear to indicate sheet and shallow concentrated flow direction.
 - b. Solid black triangles which appear to indicate building entrances/exists.
- 3.** Please provide a cross section for each pocket pond.
- 4.** Show locations for staging and soil stockpile on the plans.

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Continuation of Condition #16.....

The following comments are related to pocket pond requirements as listed on page 6.20 and 6.21 of the August 2003 edition of the New York State Stormwater Management Manual (NYSSMDM) "Key Considerations" for Stormwater Ponds.

5. Side slopes of pocket ponds appear to be 2:1. The Drainage Consultant suggests a maximum side slope of 3:1. Please provide this information on the pond cross sections to be added.
 6. Stabilize pocket separator berm with riprap and provide a detail/cross section.
 7. No woody vegetation is allowed within 15 feet of the toe of pocket pond embankments. This area shall be landscaped. Existing trees may remain, however adequate vehicular access for maintenance must be provided.
 8. Protect the low flow orifice inlets at the base of each outlet structure (the 4" and 6" inlets of outlet control structures 1 and 2, respectively). See detail K.2 of NYSSMDM.
 9. Provide long-term maintenance notes on the drawings. A legally binding maintenance agreement to be executed as a condition of the plan approval shall be prepared.
 10. A fixed vertical sediment depth marker shall be installed in the forebay of each pocket pond to adequately monitor sediment depth.
17. Rockland County Department of Planning had the following comments which are incorporated herein as conditions of approval:
- 1) Prior to the start of construction or grading, a soil and erosion control plan shall be developed and in place that meets the New York State Guidelines for Urban Erosion and Sediment Control.
 - 2) There shall be no net increase in storm water runoff from the site.

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Continuation of Condition #17.....

- 3)** The site signage shall be shown on the Site Plan and meet all Town of Orangetown requirements.
- 4)** The fire zones must be clearly marked on the Site Plan. Access to the fire zones shall be unimpeded by other parking areas and maneuverability on the site feasible.
- 5)** The fire department connections shall be designated on the Site Plan and kept clear for easy access by the emergency response vehicles.
- 6)** Water is a scarce resource in Rockland County; thus proper planning and phasing of this project are critical to supplying the current and future residents of the Towns, Villages and County with an adequate supply of water. A letter from the public water supplier, stamped and sealed by a NYS licensed professional engineer, shall be issued to the municipality for this project, certifying that there will be a sufficient water supply during peak demand periods and in a drought situation.
- 7)** 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.
- 8)** The site plan must be revised to reference the dates and reference numbers of the special permit and variances that have been granted by the Town for the housing type and the additional units.
- 9)** The Rockland County Department of Planning requests the opportunity to review any special permit amendments or variances that may be requested from the Town of Orangetown Zoning Board of Appeals to implement the proposed Site Plan.

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18. The Rockland County Department of Highways reviewed the information provided and found the action should have no adverse effect upon county roads in the area.

19. The Rockland County Department of Health (RCDOH) reviewed the plan and offers the following comment:

1) Application is to be made to the RCDOH for review of the Stormwater Management system for compliance with the County Mosquito Code.

20. The Palisades Interstate Park Commission has reviewed Site Plans and determined that this project should not have a significant adverse impact upon nearby park resources.

21. 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.

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

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

24. The following note shall be placed on the Site Plan:

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

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Continuation of Condition #24.....

- 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.

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

26. 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.

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

28. 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).

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

30. 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

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

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

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

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TOWN OF ORANGETOWN PLANNING BOARD DECISION

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

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

Dated: July 27, 2011

Town of Orangetown Planning Board

attachment

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

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

PB #09-49: The Esplanade Palisades Site Plan; Preliminary Site Plan Approval Subject to Conditions/Neg. Dec.

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

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

NAME OF ACTION: The Esplanade Palisades Site Plan

SEQR STATUS: Type I _____ Unlisted XXXXXX

CONDITIONED NEGATIVE DECLARATION: Yes _____ No XXXXXX

DESCRIPTION OF ACTION: Site Plan Review

LOCATION: The site is located at 640 Oak Tree Road, Palisades, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 78.17, Block 2, Lot 1 in the R-40 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