

**TOWN OF ORANGETOWN PLANNING BOARD
MEETING OF JULY 28, 2010**

MEMBERS PRESENT:

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

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

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

Continued from the May 28, 2008 Meeting:

Orange and Rockland Utilities -Tappan Substation Plan

PB #08-13

Prepreliminary/Preliminary Site Plan,
Conditional Use Permit and SEQRA Review (Tappan)
Section 77.20, Block 1, Lot 2.1
Section 77.15, Block 1, Lot 31
Section 77.20, Block 1, Lot 1;
LIO zoning district

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.

The decisions of the July 14, 2010 Planning Board Meeting was reviewed, edited and approved. The motion for adoption was made and moved by Bruce Bond and seconded by Kevin Garvey and carried as follows: Robert Dell, aye; Kevin Garvey, aye; Bruce Bond, aye; Jeffrey Golda, aye; John Foody, aye; Andy Stewart, aye and William Young, aye.

Since there was no further business to come before the Board, a motion to adjourn the meeting was made by Bruce Bond and second by Robert Dell and agreed to by all in attendance. The meeting was adjourned at**11:15** p.m. The next Planning Board meeting is scheduled for September....., **2010**.

DATED: July 28, 2010

Town of Orangetown Planning Board

PB #08-13 – Town of Orangetown Planning Board Decision

Orange and Rockland Substation Plans Tappan Substation Site Plan and Conditional Use Permit; Preliminary Plan Approval Subject to Conditions/Neg. Dec.

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TO: Anthony Montalbano, Esq.;Montalbano, Condon & Frank;
67 North Main Street; PO Box 1070; New City, New York 10956
FROM: Orangetown Planning Board
RE: The application of the Orange & Rockland Utilities, Inc., applicant, for Oakpoint Realty Corporation, owner, for Prepreliminary/Preliminary Site Plan and a Conditional Use Permit for the installation of a new electric substation at a site to be known as “**Orange and Rockland Substation Plans – Tappan**”, 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 Oak Tree Road, Tappan, Town of Orangetown, Rockland County, New York and as shown on the Orangetown Tax Map as Section 77.20, Block 1, Lot 2.1, Section 77.15, Block 1, Lot 31 and Section 77.20, Block 1, Lot 1; in the LIO zoning district.

Heard by the Planning Board of the Town of Orangetown at meetings held **Wednesday, March 12 and May 28, 2008 and June 23, 2010** at which time the Board made the following determinations:

March 12, 2008

Brian Quinn and Patrick McGoldrick appeared and testified.

The Board received the following communications:

1. A Project Review Memo dated March 5, 2008.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated March 12, 2008.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering, (DEME) Town of Orangetown, signed by Bruce Peters, P.E., dated March 6, 2008.
4. A letter from Brooker Engineering signed by Ken DeGennaro, P.E., dated March 4, 2008.
5. Letters from the Rockland County Department of Planning, signed by Eileen Miller, dated February 29, 2008 and Salvatore Corallo, Commissioner of Planning, dated March 6, 2008.
6. A letter from Rockland County Department of Highways, signed by Sonny Lin, P.E., dated February 22, 2008.
7. A letter from Rockland County Drainage Agency, signed by Edward Devine, Executive Director, dated February 22, 2008.
8. A letter from Rockland County Sewer District #1, signed by Joseph LaFiandra, Engineer II, dated February 25, 2008.

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9. Letters from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated February 7 & 8, 2008.

10. A Short Environmental Assessment Form signed by John Haggarty, Orange and Rockland Utilities, dated December 4, 2007.

11. Site Plans prepared by C.T. Male Associates, dated December 7, 2007:

Drawing Number: 8655: Site Plan

- Drawing Number 8656: Sheet 1 of 2 – Electrical Plan

- Drawing Number 8656: Sheet 2 of 2 – Electrical Plan

12. Planting Plan & Sec. Plan prepared by Robert Torgersen, ASLA, dated November 12, 2007.

13. A letter signed by Patrick T and Kathleen M. Sullivan, 203 Oak Tree Road, Tappan, dated March 12, 2008.

14. A letter signed by Leonard and Barbara Sullivan, s01 Oak Tree Road, Tappan, dated March 12, 2008.

The Board reviewed the plans. The hearing was then opened to the Public.

Public Comments:

Mike Aamodt, 3 Van Wardt Place, Tappan, expressed concerns regarding flooding on the site and offered the Board another location for the proposed substation.

Patrick Sullivan, 203 Oak Tree Road, an abutting property owner, submitted photographs of the Orange & Rockland Crestkill Substation. Mr. Sullivan stated that the site often floods and opposes the construction of a substation at the site.

Mr. Sullivan noted that the site was wetlands, including the portion of the site the applicant planned to build on, prior to the construction of sewers in the area.

Mary Cardanus, Town of Orangetown Town Historian, however appearing as a private citizen, raised concerns regarding the overdevelopment of the entire area.

Robert Dell, Chairman of the Town of Orangetown Planning Board, however, appearing as a private citizen, wanted to know if Orange & Rockland is taking any remediation from truck runoff from the site.

Peter Schuerholz, 12 Sterling Avenue, Tappan, asked if the applicant has constructed any other substations in floodplains areas.

Tom Lavallo, 73 Main Street, Tappan, expressed concerns regarding the condition of the site. The property is underwater and wanted to know if the applicant has seen it in that state.

Kristy Sullivan, 201 Oak Tree Road, Tappan, raised concerns regarding the development of the site and impact on the neighborhood.

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Carol Lavallo, 73 Main Street, Tappan, noted that the site is wet and should not be developed. Ms Lavallo requested the applicant to look for another site and that the development would be intrusive to the neighborhood.

Tom Quinn, 54 Bennington Drive, Tappan, noted that there are three other industrial sites in the area that would be suitable for an electrical substation, stating that Orange & Rockland should select an alternative site that the neighborhood would find less offensive.

The applicant requested a **CONTINUATION**.

May 28, 2008

Brian Quinn and Patrick McGoldrick appeared and testified.

The Board received the following communications:

1. A Project Review Memo dated May 21, 2008.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated May 28, 2008.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering, (DEME) Town of Orangetown, signed by Bruce Peters, P.E., dated May 21, 2008.
4. A letter from Brooker Engineering signed by Ken DeGennaro, P.E., dated May 28, 2008.
5. A letter from the Rockland County Department of Planning, signed by Salvatore Corallo, Commissioner of Planning, dated May 2, 2008.
6. A letter from Rockland County Department of Highways, signed by Joseph Arena, Principal Engineering Technician, dated April 22, 2008.
7. Site Plans prepared by C.T. Male Associates, dated December 7, 2007, revised April 3, 2008, unless noted:
 - Drawing Number: 8655: Site Plan
 - Drawing Number 8656: Sheet 1 of 2 – Electrical Plan
 - Drawing Number 8656: Sheet 2 of 2 – Electrical Plan
 - Drawing number 8811: Drainage and Retaining Wall Details, dated April 3, 2008
8. Planting Plan & Sec. Plan prepared by Robert Torgersen, ASLA, dated November 12, 2007, revised April 1, 2008.
9. Drainage Calculations prepared by John Haggarty, P.E., dated April 2, 2008.
10. A Narrative Summary, prepared by Orange & Rockland.

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7. A letter from Rockland County Drainage Agency, signed by Edward Devine, Executive Director, dated February 22, 2008.

Public Comments:

Patrick Moloney, 173 Oak Tree Road, Tappan, raised concerns regarding the decrease in property value, the construction of the substation and the review of alternate sites.

Thomas O'Connell, 104 Lawrence Street, Tappan, held that the site was inappropriate, that the site floods and that it is in the middle of a residential area. Lorraine Payne, 12 Bennington Drive, Tappan, wanted to know if the applicant currently owns the land.

Eileen Larkin, President of the Palisades Civic Association, does not want the site to obtain approval. The site floods and will have a significant impact on the neighborhood. The site lies in the wetlands and the Town walking path abuts the site. She noted that Oak Tree Road is a Historic Roadway. Ms. Larkin raised security issues and possible terrorist activities at the site and notes that the required zoning variances to construct the project were extensive. She questioned the limit of the project to only one acre and wanted to know if the developer looked for alternate sites. She reiterated noise, health, decreased in property values concerns if the project occurred on the property. Ms Larkin threaten the Planning Board with a law suit if they approved the project.

Martin Fowley, 415 Little Tor Road, New City, an abutting property owner of 200 Oak Tree Road, rezoned his property from industrial to residential, but now that O&R wanted to build the substation, he might as well left it LO zoning.

Joe Luke, 36 Bennington, Tappan, wanted to know how far back the substation will be set on the site.

Gil More, 174 Oak Tree Road, Tappan, stated that the substation has a audible hum and that it is not a safe situation to place a substation in a residential community and inconsistent with the neighborhood. Mr. More noted that there are a number of studies that state magnetic fields radiate from sites such as the proposed type of development. The studies that that the proposed developments are not healthy and impact negatively on wildlife, as well as decreasing the surrounding property values.

Don Sullivan, 131 Sullivan Street, Tappan, stated that he was against development of the site with a substation.

James Dress, 182 Oak Tree Road, Tappan, noted that substations had many wires and the appearance was incongruent to the neighborhood.

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Mary Dress, 182 Oak Tree Road, Tappan, stated that the site was designated as “Open Space” and wanted to know how the site was being developed. The Town of Orangetown had received funds to obtain the parcel. Ms Dress stated that she would research the issue and get back to the Board.

Mario Donato, 3 Bennington Drive, Tappan, raised issues of people living in a nearby subdivision of contracting cancer and concerns of energy produced by the substation. Mr. Donato questioned who benefits from the substation, the people in New Jersey or New York, and should New Jersey residents bear some of the costs associated with the substation development.

Leonard Sullivan, 201 Oak Tree Road, Tappan, stated that substations were not the safest places and that he was an ex-fire chief and knows personally the potential damage that could occur from a substation.

Patrick Sullivan, 203 and 205 Oak Tree Road, Tappan, said that the site was a bad selection for a substation and presented photographs of the site when it was flooded. He advised the Board not to approve the project. Mr. Sullivan submitted photographs of another substation constructed by Orange and Rockland.

John Merrill, 185 Oak Tree Road, Tappan, raised concern regarding the decrease in property value of his property and opposed development of the site.

Dan Flannery, 27 Bennington Drive, Tappan, held that there are better sites than the chosen lot, ones that are less obtrusive in the Town of Orangetown.

The applicant requested a **CONTINUATION**.

June 23, 2010

Brian Quinn and Patrick McGoldrick appeared and testified.

The Board received the following communications:

- 1. A Project Review Committee Report dated June 16, 2010.*
- 2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, datedSeptember 16, 2009.*
- 3. An interdepartmental memorandum from the Department of Environmental Management and Engineering, (DEME) Town of Orangetown, signed by Bruce Peters, P.E., datedSeptember 10, 2009.*

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4. A letter from Brooker Engineering signed by Ken DeGennaro, P.E., dated, 2008.

5. A letter from the Rockland County Department of Planning, signed by Salvatore Corallo, Commissioner of Planning, dated August 7, 2009.

6. A letter from Rockland County Department of Highways, signed by Joseph Arena, Principal Engineering Technician, dated April 22, 2008.

7. Site Plans prepared by C.T. Male Associates, dated December 7, 2007, revised April 3, 2008, unless noted:

Drawing Number: 8655: Site Plan

- Drawing Number 8656: Sheet 1 of 2 – Electrical Plan
- Drawing Number 8656: Sheet 2 of 2 – Electrical Plan
- Drawing number 8811: Drainage and Retaining Wall Details, dated April 3, 2008

8. Planting Plan & Sec. Plan prepared by Robert Torgersen, ASLA, dated November 12, 2007, revised April 1, 2008.

9. Drainage Calculations prepared by John Haggarty, P.E., dated April 2, 2008.

10. A Narrative Summary, prepared by Orange & Rockland.

5. Various correspondence received between the Applicant's Board appearances:

All of the following correspondence have been previously provided (by mail) to the Planning Board as noted:

Mailed July 9, 2008; An E-Mail dated June 23, 2008 submitted by Mary Dress from Richard Tomer, US Army Corp of Engineers, regarding Protection of the Sparkill Creek.

Mailed June 23, 2008; letter from Frank & Marcia Wong, dated 6/22/08

Mailed June 25, 2008; letter from Nancy Bucciarelli, dated 6/19/08

Mailed June 25, 2008; letter from Diane Krych, undated

Mailed June 25, 2008; copy of a letter to O & R Utilities from Diane Krych

Mailed June 25, 2008; letter from Arthur Georgiou, dated 6/19/08

Mailed June 25, 2008; letter from Lorraine Motta, dated 6/20/08

Mailed June 25, 2008; a letter from Joseph Luke, dated 6/20/08

Mailed June 25, 2008; letter from Mr. & Mrs. Caparol, dated 6/15/08

Mailed June 25, 2008; letter from Mr. & Mrs. O'Connell, dated 6/11/08

Mailed July 23, 2008; letter from Jean Henthore, undated

Mailed July 28, 2008; letter from Paul & Lenora Mesibov, dated July 22, 2008

Mailed July 28, 2008; letter from David Yuan, undated

Mailed July 28, 2008; letter from Beverly O'Connell, undated

Mailed July 31, 2008; a copy of a letter to O & R Utilities from Joseph Luke, dated 8/01/08

Mailed July 31, 2008; a copy of a letter to O & R Utilities from Thomas Payne, dated 7/28/08

Mailed July 31, 2008; a copy of a letter to O & R Utilities from Deborah Payne, dated 7/28/08

Mailed July 31, 2008; letter from Sylvia & Mario Donato, undated

Mailed August 4, 2008; letter from Felicia & Charles Geraldi, undated

Mailed August 4, 2008; letter from Stephen Chin, undated

Mailed August 4, 2008; letter from Virginia Chin, undated

Mailed August 4, 2008; letter from Arthur Soyk, undated

Mailed August 4, 2008; letter from Donna Soyk, undated

Mailed August 5, 2008; a copy of a letter to O & R from Gail Raffaele, dated 8/4/08

Mailed August 7, 2008; letter from Beverly Mitcham, undated

The following Articles forwarded from the Town Board on September 11, 2008 and mailed to the Planning Board Members on September 15, 2008:

Electromagnetic Field-induced Stimulation of Bruton's Tyrosine Kinase
Bruton's Tyrosine Kinase as an Inhibitor of the Fas/CD95 Death-inducing Signaling Complex
Magnetic Fields and Cancer in Children Residing Near Swedish High-voltage Power Lines
A Pooled Analysis of Magnetic Fields, Wire Codes and Childhood Leukemia
Magnetic Fields, Leukemia, and Central Nervous System Tumors in Swedish Adults Residing Near High-Voltage Power Lines

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

New neg dec.

The proposed action is classified as an "unlisted action" as defined by Section 617.2 (ak) of the New York State Environmental Quality Review Regulations (SEQRR). No agency, other than the Orangetown Planning Board will have any significant involvement in the review process, pursuant to Section 617.6 of SEQRA. On motion by Kevin Garvey and seconded by Jeffrey Golda 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, namelyand the Town of Orangetown's engineering consultant, Henningson, Durham & Richardson (HDR), and having heard from the following offices, officials and/or Departments: (Town of Orangetown): Project Review Committee, Office of Building, Zoning, Planning Administration and Enforcement and Department of Environmental Management and Engineering; and having heard from the following involved and interested agencies: Rockland County Department of Planning, Rockland County Department of Highways, Rockland County Drainage Agency, Rockland County Department of Health,..... and having reviewed a proposed **Site/Subdivision** plan by prepared by, a summary of the reasons supporting this determination are, and the Planning Board finds that the proposed action:

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

Will not have an impairment of the character or quality of important aesthetic resources;
 Will not have an impairment of existing community or neighborhood character;
 Will not remove or destroy large quantities of vegetation or fauna;
 Will not remove or destroy large quantities of wildlife species or migratory fish;
 Will not have a significant adverse impact to natural resources;
 Is consistent with the Town of Orangetown's Comprehensive/Master Plan;
 Will not have adverse economic or social impacts upon the Town;
 Will not create a hazard to human health; and
 Will not create a substantial change in the use of land, open space or recreational resources.

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

A motion was made to reopen the Public Hearing portion of the meeting to discuss the Site Plan Application was made by Kevin Garvey 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.

There being no one to be heard from the Public, a motion was made to close the Public Hearing portion of the meeting by Kevin Garvey and second by 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 PRELIMINARY SITE PLAN AND CHANGE OF USE 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. Tax lot numbers shall be placed on the Vicinity Plan.

JG (3/12)

1. In an LIO zone district, a Public Utility Substation is a Conditional Use by the Planning Board and shall be reviewed under Section 8.1 "General Conditions and Standards" of the Zoning Code.
2. The following variances need to be sought from the Town of Orangetown Zoning Board of Appeals:

Variance	Required/Allowed	Proposed
Minimum Front Yard	100 ft Required	72 ft
Maximum Height	7 ft, 6 inches Allowed	44 ft, 4 inches
Maximum Fence	4½ ft in the front yard	8 ft

Height (Section 5.226)

3. The sight distance at the driveway connection to Oak Tree Road shall be labeled on the Site Plan.
4. The Town of Orangetown Architecture and Community Appearance Board of Review shall review the planting and lighting proposed for this application.

DEME 5/21

1.

4. Drainage calculations, prepared and sealed by a New York State Licensed Professional Engineer, shall be submitted to DEME for review and approval. The applicant's engineer shall design onsite storage to achieve a zero increase in runoff from the proposed site.

5. A post construction stormwater maintenance agreement (in accordance with NYSDEC Phase II regulations) for the proposed stormwater systems shall be submitted to DEME and the Town of Orangetown Town Attorney's Office for review and approval. Said agreement shall include a maintenance and management schedule, inspection check list, contact person with telephone number, yearly report to be submitted to DEME, etc.

6. The page and liber, as well as ownership for all easements/dedications shall be given on the plans.

7. The location of the 100 year flood line shall be shown on the drawings.

8. The applicant is advised that the County of Rockland is planning to reconstruct the bridge over the Sparkill Creek (just east of the proposed sight) sometime in 2009.

9. The applicant is also advised that the existing sanitary main (running parallel to Oak Tree Road is shallow. Details and locations for all underground crossing of the line shall be given with the plans.

10. The tax lot numbers for the adjoining properties shall be indicated on the site plan.

11. A typical pavement detail, including dimensions, shall be included on the drawing.

5. Brooker

6. RCPlanning

1. A review shall be completed by the Rockland County Drainage Agency and all required permits obtained.

2. A review shall be completed by the Borough of Northvale, New Jersey and its concerns addressed.

3. A review shall be completed by the Borough of Rockleigh, New Jersey and its concerns addressed.

4. A review shall be completed by the U.S. Army Corps of Engineers and all required permits obtained.

5. There shall be no net increase in stormwater runoff from the subject property.

6. It is noted that a row of deciduous shrubs is proposed as a screen along the western edge of the proposed developed area. Due to the adjacent hiking use and other uses in the area, it is recommended that these be replaced with evergreen trees, such as the row of Arborvitae proposed along the northern edge of the proposed developed area.

7. Note #17 on the Site Plan by C.T. Male Associates indicates that no signs are proposed. To maximize safety at the site, it is recommended that a signed, information anyone entering the site of the location of the underground high-pressure gas pipeline, be located at the entrance driveway.

8. Letter(s) from the appropriate agencies and from the Tennessee Gas Pipeline Company that address issues of safety, which may be related to siting an electric substation near a high pressure gas transmission pipeline, and stating that the site design is in compliance with all applicable regulations shall be obtained prior to site plan approval.

9. A review shall be completed by the Rockland County Department of Fire and Emergency Services and any concerns addressed.

10. . 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.

11. The Rockland County Department of Planning requests the opportunity to review any variances or performance standards reviews that may be needed from the Town of Orangetown Zoning Board of Appeals, as required by the New York State General Municipal Law, Section 239(M)(3)(a).

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.

7. Based upon the plans and information provided for the project, the Rockland County Department of Highways found that the requested action would not be adverse to county roads in the area. Due to the close proximity to the County stream, Sparkill Creek, the Rockland County Drainage Agency shall be afforded the opportunity to review and comment on the proposed construction.

8. Based upon the information provided and maps available to Rockland County Drainage Agency's (RCDA), the site has been determined to be within the jurisdiction of the RCDA. Accordingly, a permit from the RCDA pursuant to Chapter 846, Rockland County Stream Control Act, is required.

9. The proposed work appears to be located partially within a federal wetlands area. The RCDA suggests that the U.S. Army Corps of Engineers be contacted and requested to make a jurisdictional determination regarding the proposed activity.

10. The Rockland County Sewer District #1 does not object to the plan as shown. This project does not affect any sanitary sewers within the District and request no future correspondence for this site.

11. The Rockland County Department of Health (RCDOH) requests that application be made for review of the stormwater management system for compliance with the County Mosquito Code. The applicant shall contact Brian Hunderfund at RDCOH. No other Rockland County Department of Health approvals are needed for this application.

12. The Town of Orangetown Office of Parks and Recreation offered the following comment:

Show all trees on the Site Plan, as well as those to be removed. Show a Clearing Limit Line, to distinguish any area that no disturbance will occur.

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

- Rockland County Department of Planning
- Rockland County Department of Health
- Rockland County Sewer District #1
- Rockland County Drainage Agency
- Rockland County Department of Highways

The Rockland County Department of Planning requests the opportunity to review any variances that may be requested in order to implement the proposed site plan and change of use, as required by the New York State General Municipal Law, Section 239-m (3)(a)(v).

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

15. If 1,000 square feet or more of land will be disturbed, prior to the start of construction or grading, a soil and erosion control plan shall be developed and in place for the entire site that meets the New York State Guidelines for Urban Erosion and Sediment Control.

16. 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.

17. The fire department connections shall be designated on the Site Plan and kept clear for easy access by the emergency response vehicles.
18.

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

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

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

a. No construction equipment shall be parked under the tree canopy.

b. There will be no excavation or stockpiling of earth underneath the trees.

c. Trees designated to be preserved shall be marked conspicuously on all sides at a 5 to 10 foot height.

d. The Tree Protection Zone for trees designated to be preserved will be established by one of the following methods:

One (1) foot radius from trunk per inch DBH

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

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

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

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

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

33. 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.

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

35. 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).

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

37. 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

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

The foregoing Resolution was made and moved by Kevin Garvey seconded by Jeffrey Golda and carried as follows: Bruce Bond, aye, Anthony Iurica, 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: May 26, 2010

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

PB #08-13 – Town of Orangetown Planning Board Decision

Orange and Rockland Substation Plans Tappan Substation Site Plan and Conditional Use Permit; Preliminary Plan Approval Subject to Conditions/Neg. Dec.

May 26, 2010

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: **Orange and Rockland Substation Plans**

SEQR STATUS: Type I _____ Unlisted XXXXXX

CONDITIONED NEGATIVE DECLARATION: Yes _____ No XXXXXX

DESCRIPTION OF ACTION: **Site Plan Review and Conditional Use Permit**

LOCATION: The site is located at Oak Tree Road, Tappan, Town of Orangetown, Rockland County, New York and as shown on the Orangetown Tax Map as Section 77.15, Block 1, Lot 31 in the LIO zoning district.

REASONS SUPPORTING THIS DETERMINATION:

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

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

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

For Further Information contact:

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

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