

**TOWN OF ORANGETOWN PLANNING BOARD
MEETING OF JULY 8, 2009**

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 Deborah Arbolino, Administrative Aide
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:

Lowe's Garden Center Site Plan Final Site Plan Review 74.15/1/3 & 4; LI zoning district	Final Site Plan Approval Subject to Conditions	PB #09-33
Sickels Farm Resubdivision Plan Prepreliminary/Preliminary/Final Resubdivision Plan and SEQRA Review 69.08/1/9 & 10; R-40 zoning district	Final Approval Subject to Conditions Neg. Dec.	PB #09-40
Route 9W Golf Subdivision Plan Request for Reduction of the Performance Bond Palisades Historic District 78.14/1/2; R-40 zoning district	Recommended to Town Board: Reduced to \$350,000.00	PB #09-28
Tracey Subdivision Plan Request for 1 st 90 Day Extension to File the Subdivision with the Rockland County Clerk's Office 70.18/2/6; R-15 zoning district	Granted 1st 90 Day Extension	PB #09-41
The Promenade Assisted Living Facility Site Plan Final Site Plan Review 73.05/1/53.1; OP zoning district	Final Site Plan Approval Subject to Conditions	PB #09-39
135 South Highland Avenue Resub.Plan Prepreliminary/Preliminary/Final Resubdivision Plan and SEQRA Review 68.15/2/77 & 78; R-15 zoning district	Preliminary Approval Subject to Conditions Neg. Dec.	PB #09-25
Orange and Rockland Utilities, Inc. Site Plan Prepreliminary/Preliminary Site Plan, Conditional Use Permit and SEQRA Review - Corporate Drive Substation 73.15/1/19; LIO zoning district	Continued to September 16th Meeting	PB #09-26

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

The decisions of the June 24, 2009 Planning Board Meeting was reviewed, edited and approved. The motion for adoption was made and moved by Kevin Garvey and seconded by William Young and carried as follows: Robert Dell, abstain; 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 Kevin Garvey and seconded by William Young and agreed to by all in attendance. The meeting was adjourned at 11:45 p.m.

The next Planning Board meeting is scheduled for July 22, 2009.

DATED: July 8, 2009

Town of Orangetown Planning Board

**PB #09-33- Lowe's Garden Center Expansion Site Plan: Final Site Plan
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TO: Brian Nelson, 6700 Antioch #300, Merriam, Kansas, 66204
FROM: Orangetown Planning Board
RE: The application of the Brian Nelson, applicant, for Orangeburg Holdings, LLC, owner, for Final Site Plan Review at a site known as "**Lowe's Garden Center Expansion Site Plan**", in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21A of the Code of the Town of Orangetown. The site is located at 206 Route 303, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 74.15, Block 1, Lots 3 & 4 in the LI zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, July 8, 2009**, at which time the Board made the following determinations:

Brian Nelson appeared and testified for the applicant.

The Board received the following communications:

1. Project Review Committee Reports dated July 1 and June 17, 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 July 8, 2009.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering, (DEME) Town of Orangetown, signed by Bruce Peters, P.E., dated July 6 and June 17, 2009.
4. Letters from HDR signed by Harvey Goldberg, P.E., dated July 8 and June 5, 2009.
5. A letter from the Rockland County Department of Planning, signed by Salvatore Corallo, Commissioner of Planning, dated July 6, 2009.
6. A letter from the Rockland County Department of Highways, signed by Joseph Arena, Principal Engineering Technician, dated June 17, 2009.
7. A letter from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated May 15, 2009.
8. A letter from the New York State Department of Transportation, signed by Mary Jo Russo, P.E., Rockland County Permit Engineer, dated May 18, 2009.
9. Plans prepared by APD Engineering & Architecture:
 - Drawing 0V-1: Overall Site Plan - April 2, 2009
 - Drawing C1: Site Plan – February 10, 2009, revised March 26, 2009
 - Drawing C2: Grading, Drainage & Erosion Control Plan - February 10, 2009
 - Drawing C3: Detail Sheet – February 10, 2009

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10. A copy of a letter from APD Engineering & Architecture, PLLC, signed by Daniel P. Yanosh Jr., P.E., CPESC, to Harvey Goldberg, P.E., HDR, dated June 18, 2009, with an attachment; Storm Sewer Structure Chart & Pipe Sizing.

11. A copy of a letter from APD Engineering & Architecture, PLLC, signed by Daniel P. Yanosh Jr., P.E., CPESC, to Harvey Goldberg, P.E., HDR, dated July 6, 2009, with an attachment of Drainage Calculation, dated July 6, 2009, with revised plans prepared by APD Engineering & Architecture:

Drawing 0V-1: Overall Site Plan - April 2, 2009, revised June 18, 2009

Drawing C1: Existing Conditions Plan, February 10, 2009, revised July 6, 2009

Drawing C2: Site Plan – February 10, 2009, revised March 26, 2009

Drawing C3: Grading, Drainage & Erosion Control Plan - February 10, 2009,
Revised July 6, 2009

Drawing C4: Detail Sheet – February 10, 2009

12. ZBA #09-40, Off Street Parking Variance Approved with Revised Outdoor Storage Plan as Submitted Approved, July 1, 2009, ACABOR #09-20, Approved with Conditions, dated June 16, 2009, and PB #09-02, Preliminary Site Plan Approval Subject to Conditions, dated March 26, 2009.

The Board reviewed the plans.

A motion was made to close the Public Hearing portion of the meeting by Kevin Garvey and seconded by Bruce Bond and carried as follows:

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

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

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

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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 site is located between Greenbush Road on the west and NYS Route 303 on the east approximately 1500-ft north of the Palisades Interstate Parkway in Orangeburg, NY. The 12.03 acre site contains an existing building and existing paved driveways and parking areas with access from Route 303 and Greenbush Road. The Applicant proposes to expand the existing garden center. A letter from the Applicants Engineer, Daniel P. Yanosh Jr., APD Engineering, dated July 6, 2009, and revised drainage calculations, dated July 8, 2009 have been provided. In the Drainage Consultants previous review letter dated June 5, 2009, they recommended acceptance for drainage subject to two conditions that have now been satisfied. The consultant's recommendation is based on a letter from the Applicants Engineer, dated February 10, 2009, in which the Applicant indicated that "There is no proposed increase in the impervious area for this project, and therefore, there will be no net increase in stormwater runoff."

The Applicants Engineer has indicated that the existing drainage pattern will not be altered (i.e. roof drainage from the existing canopies will continue to discharge to the same locations under proposed conditions as under existing conditions, and the proposed canopies will drain to the same locations as the paved areas beneath them do under existing conditions). Most of the canopy drainage will be discharged into the existing 6-in roof drain. The calculations indicate that the ability of this drain to accept the canopy runoff from a 100-yr storm assumes surcharging of the drain, and a drain discharge invert of El 76.44 at the catch basin. Survey information gives an invert of El 76.44 at the catch basin but does not indicate if it is the bottom of the catch basin, one of the storm sewers or the 6-in roof drain.

Accordingly, the Drainage Consultant to the Planning Board adds the following conditions for acceptance for drainage.

- Have a surveyor obtain the existing invert elevation of the 6-in roof drain at the catch basin as well as the invert elevations of the three existing storm sewers. Revise the calculations as required based on actual elevations. If the 6-in drain does not have the capacity for a 100-yr storm, indicate with calculations the design storm at which the pipe capacity will be exceeded (e.g. 25-yr) and the overflow point(s).

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Continuation of Condition #3....

- Revise and resubmit Drawing P-1 to show the proposed canopy roof drainage plan.
 - Additional conditions may be added based on response to these conditions.
- 4.** A review shall be completed by the New York State Department of Transportation and any required permits obtained.
 - 5.** The concerns expressed in the June 17, 2009 letter from the Rockland County Highway Department shall be addressed and all required permits obtained.
 - 6.** A Bulk Table that compares existing and proposed conditions to the zoning district regulations of the LI zone and the Route 303 Overlay Zone shall be added to the Overall Site Plan (Sheet OV-1). A portion of this information is included in notes 2 through 7 on Sheet C1 – Site Plan, but the information is incomplete.
 - 7.** The Town shall be satisfied that the requirements of the Route 303 Overlay Zone have been addressed to the extent applicable and appropriate.
 - 8.** The Town shall be assured that there will be adequate parking available on site to prevent parking along the State road right of way.
 - 9.** The fire department connections shall be designated on the site plan and kept clear for easy access by the emergency response vehicles.
 - 10.** There shall be no net increase in stormwater runoff under a 24 hour, 100 year Type III storm.
 - 11.** The Rockland County Department of Highways found that based upon the plans and information provided for the project, the proposed action will have a de minimus impact to County Roads in the area.
 - 12.** The Town of Orangetown Planning Board shall be satisfied that the proposed parking design is adequate for type of use.
 - 13.** The Rockland County Department of Health (RCDOH) received the plans and found that there are no necessary Rockland County Department of Health approvals associated with this application.
 - 14.** Based upon Rockland County Drainage Agency (RCDA) evaluation of available mapping and information submitted, it has been determined that the proposed activity is outside the jurisdiction of the RCDA. Therefore, a permit from the RCDA pursuant to the Rockland County Stream Control Act, Chapter 846, is not required based upon its review of the information provided. However, the site appears to be located in close proximity to mapped federal wetlands. The RCDA suggests that the U.S. Army Corps of Engineers be contacted by the lead agency and requested to make a jurisdictional determination regarding the proposed activity.

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15. The New York State Department of Transportation reviewed the site plan and found that the project does not have any significant impact on the state highway system and has no comment at this time.

16. The Town of Orangetown Fire Prevention Bureau had the following comments in regards to the expansion to Lowe's Garden Center:

Maintain the required Fire Lanes around the building and note on the Site Plan.

Install a Key Box (form provided by the Town of Orangetown Fire Prevention Bureau) on the north end of the new proposed gate in the rear of the building and provide a key for the locks.

Maintain at least a 20 foot wide drive through within the fence from north to south. This shall be noted and labeled on the Site Plan.

Extend the garden center dry Sprinkler system and provide calculations that the sprinkler system will continue to meet the demand of the sprinkler system.

Show egress plan (Travel Distance) on the Site Plan and the required exists.

17. The Town of Orangetown Highway Department had the following comments:

The applicant must correct the driveway exit/entrance site obstruction created by the existing 10' chain link fence with black screening slats, at the existing driveway exit/entrance at South Greenbush Road.

Steven's Way and South Greenbush Road shall be labeled on the Site Plan.

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

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

20. 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

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Continuation of Condition #20...

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: (1) 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. (2) 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.

21. 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.

22. 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.

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

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

26. 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

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

28. The applicant shall comply with all pertinent and applicable conditions of all previous Board Decisions: ZBA #09-40, Off Street Parking Variance Approved with Revised Outdoor Storage Plan as Submitted Approved, July 1, 2009, ACABOR #09-20, Approved with Conditions, dated June 16, 2009, and PB #09-02, Preliminary Site Plan Approval Subject to Conditions, dated March 26, 2009.

The foregoing Resolution was made and moved by Bruce Bond and seconded by William Young 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 8, 2009

Planning Board	OBZPAE	RC Planning	RC Drainage	RC Highway
Env. Mgt. Eng.	HDR	Town Board	Assessor	Town Attorney
PRC	Supervisor			

**PB #09-40- Sickels Farm Resubdivision Plan– Final Resubdivision Plan
Approval Subject to Conditions
TOWN OF ORANGETOWN PLANNING BOARD DECISION;
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TO: William Bosley, LaBozz-2 Builders Corp., 10 Sugarhill Road,
Nyack, New York
FROM: Orangetown Planning Board
RE: The application of William Bosley, La Bozz-2 Builders, Corp., owner, for Sickels Farm Subdivision, for Prepreliminary/Preliminary/Final Resubdivision Plan Review, at a site known as “Sickels Farm Resubdivision” 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 260 Sickletown Road, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 69.08, Block 1, Lots 9 & 10 in the R-40 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, July 8, 2009**, at which time the Board made the following determination:

William Bosley and Susan Murphy appeared and testified for the applicant. The Board received the following communications:

1. A Project Review Committee Report dated July 1, 2009.
2. An interdepartmental memorandum signed by John Giardiello, P.E., Director of the Office of Building, Zoning and Planning Administration and Enforcement, Town of Orangetown, dated July 8, 2009.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering, (DEME) Town of Orangetown, signed by Bruce Peters, P.E., dated July 6, 2009.
4. Letters from the Rockland County Department of Planning, signed by Eileen Miller, dated July 6, 2009 and Salvatore Corallo, Commissioner of Planning, dated July 7, 2009.
5. A letter from Rockland County Highway Department, signed by Sonny Lin, P.E., dated June 18, 2009.
6. A letter from the Rockland County Drainage Agency, signed by Edward Devine, Executive Director, dated June 15, 2009.
7. A letter from the Rockland County Sewer District #1, signed by Joseph LaFiandra, Engineer II, dated June 30, 2009.
8. A letter from John E. Collazuol & Associates, P.C., signed by Steven J. Collazuol, P.E. & LS, dated June 8, 2009.
9. A Short Environmental Assessment Form signed by William Bosley, LaBozz-2 Builders Corp., dated June 4, 2009.

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10. Plans prepared by John E. Collazuol & Associates, dated June 8, 2009:
Sheet 1 of 2: Sickels Farm Lot Merger
Sheet 2 of 2: Grading Plan
11. Plot Plan (proposed lot 2.9.1) prepared by John E. Collazuol & Associates, dated July 2, 2009.
12. Letters from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated June 15, 2009.
13. A letter from Steve Murphy, 15 Peach Street, Pearl River, dated June 22, 2009 (potential home owner of merged lot).
14. A letter from the Town of Orangetown Zoning Board of Appeals, signed by William Mowerson, Chairperson, dated June 17, 2009.
15. A letter from United Water, signed by Raymond J. Cywinski, dated June 29, 2009.

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

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

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

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

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On motion by Kevin Garvey and seconded by Bruce Bond 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.

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

1. The following note shall be placed on the 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 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 proposes to merge two existing subdivision lots, #9 and #10, to create one new lot.
4. The resubdivision plan shall reference the previously approved and filed subdivision plan.
5. Prior to filing of the subdivision plan with the County Clerk's Office, the Rockland County Drainage Agency shall review and sign the final subdivision plan.
6. Based upon the plans and information provided for the project, the Rockland County Department of Highway found that the proposed action as submitted shall have no adverse effect impact upon county roads in the area.
7. Based upon the Rockland County Drainage Agency (RCDA) evaluation of available mapping and information submitted, it has been determined that the proposed activity is outside the jurisdiction of the RCDA. Therefore, a permit from the RCDA pursuant to Chapter 846, Rockland County Stream Control Act, is not requested based upon its review of the information provided. However, according to Flood Insurance Rate Map, Community Panel Number 360686 0003 C, the proposed project site is in close proximity to the Hackensack River floodplain. The Town of Orangetown land use boards shall carefully review any proposed additional impervious surface outside the RCDA's jurisdiction, but in close proximity to a designated floodplain, for its potential off-site impacts. The RCDA recommends that the Town land use board(s) ensure that the proposed mitigating measures for stormwater management systems are adequate for the proposed development.

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8. In accordance with the Rockland County Stream Control Act, Chapter 846, all subdivision maps must be signed by the Chairman of the Rockland County Drainage Agency (RCDA) before the Rockland County Clerk will accept for filing. The final approved subdivision map must be submitted to the RCDA for review.

9. Based on the information provided, the Rockland County Department of Health has determined that no approvals are necessary for this application.

10. Rockland County Sewer District does not object to the two lot merger as shown. The developer had previously complied with all of the District's requirements for out-of-District hookups in the original subdivision application. Rockland county Sewer District needs to be informed of all development in this project.

11. Based on the information provided, no approvals from the Rockland County Health Department are necessary 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 Drainage Agency
- Rockland County Department of Health
- Town of Orangetown Zoning Board of Appeals
- United Water

13. The applicant shall comply with all pertinent items in the Guide to the Preparation of Subdivision Plans 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 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.

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Continuation of Condition #15.....

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: (1) 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. (2) 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 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.

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

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July 8, 2009
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Continuation of Condition #19.....

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 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).

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 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

22. 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 Kevin Garvey and carried as follows: Bruce Bond, aye; William Young, aye; John Foody, aye; Jeffrey Golda, aye; Robert Dell, aye, Andy Stewart , 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 8, 2009, PLANNING BOARD

Planning Board	OBZPAE	RC Planning	RC Drainage	RC Highway
Env. Mgt.Eng.	Town Board	Assessor	Town Attorney	
Supervisor	PRC	HDR		

**PB #09-40- Sickels Farm Resubdivision Plan– Final Resubdivision Plan
Approval Subject to Conditions
TOWN OF ORANGETOWN PLANNING BOARD DECISION;
July 8, 2009
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**State Environmental Quality Review Regulations
NEGATIVE DECLARATION
Notice of Determination of Non-Significance**

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

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

NAME OF ACTION: Sickels Farm Resubdivision Plan–

SEQR STATUS: Type I _____ Unlisted XXXXXX

CONDITIONED NEGATIVE DECLARATION: Yes _____ No XXXXXX

DESCRIPTION OF ACTION: Final Resubdivision Plan Approval Subject to Conditions

LOCATION: The site is located at 260 Sickletown Road, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 69.08, Block 1, Lots 9 & 10 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

PB #09-28- Route 9W Golf Subdivision Plan- Recommendation to the Town Board for a Reduction in the Performance Bond; 78.14/1/2; R-40 zoning district

Town of Orangetown Planning Board Recommendation
July 8, 2009

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TO: Adam Wekstein, Hocherman Tortorella & Wekstein, 1 North Broadway,
Suite 701, White Plains, New York 10601

FROM: Orangetown Planning Board

RE: **Route 9W Golf Subdivision Performance Bond**, a continued item:
The application of Christopher Ankner, applicant for Lennar, NY, LLC, owner, for a request for a Reduction in the Amount of the Performance Bond for a subdivision known as "**Route 9W Golf Subdivision**", in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21 of the Code of the Town of Orangetown. The site is located on Route 9W, Palisades, Town of Orangetown, Rockland County, New York and as shown on the Orangetown Tax Map as Section 78.14, Block 1, Lot 2 in the R-40 zoning district.

Heard by the Planning Board of the Town of Orangetown at meetings held Wednesday, May 13 and July 8, 2009 at which time the Board made the following determination:

May 13, 2009

Adam Wekstein appeared and testified for the applicant.

The Board received the following communications:

1. A Project Review Committee Report dated May 6, 2009.
2. An interdepartmental memorandum signed by John Giardiello, P.E., Director of the Office of Building, Zoning and Planning Administration and Enforcement, Town of Orangetown, dated May 13, 2009.
3. An interdepartmental memorandum signed by Bruce Peters, P.E., Department of Environmental Management and Engineering, Town of Orangetown, dated May 13, 2009.
4. An interdepartmental memorandum signed by James J. Dean, Highway Department, Town of Orangetown, dated May 13, 2009, with an attachment.
5. A letter from Hocherman Tortorella & Wekstein, LLP, signed by Adam L. Wekstein, dated April 21, 2009, with an attachment of a letter from Lennar, signed by Christopher J. Ankner, Sr. Community Planning Manager to Ron Delo, P.E., Director, Town of Orangetown, Environmental Management & Engineering Department, dated April 9, 2009, and an attachment spreadsheet.

The Board discussed the Performance Bond.

PB #09-28- Route 9W Golf Subdivision Plan- Recommendation to the Town Board for a Reduction in the Performance Bond; 78.14/1/2; R-40 zoning district

Town of Orangetown Planning Board Recommendation
July 8, 2009
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The applicant requested a **CONTINUATION** of the application.

July 8, 2009

Adam Wekstein appeared and testified for the applicant.

The Board received the following communications:

1. A Project Review Committee Report dated July 1, 2009.
2. An interdepartmental memorandum signed by John Giardiello, P.E., Director of the Office of Building, Zoning and Planning Administration and Enforcement, Town of Orangetown, dated July 8, 2009.
3. An interdepartmental memorandum signed by Robert V. Magrino, Deputy Town Attorney, Office of the Town Attorney, Town of Orangetown, dated July 1, 2009.
4. An interdepartmental memorandum signed by Bruce Peters, P.E., Department of Environmental Management and Engineering, Town of Orangetown, dated May 13, 2009.
5. An interdepartmental memorandum signed by James J. Dean, Highway Department, Town of Orangetown, dated May 20, 2009, with an attachment.
6. A letter from Hocherman Tortorella & Wekstein, LLP, signed by Adam L. Wekstein, dated June 11, 2009.

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

RECOMMENDATION: In view of the foregoing, the Board RECOMMENDS TO THE TOWN OF ORANGETOWN TOWN BOARD that the value of the Performance Bond be REDUCED to \$350,000.00 as per the applicant's agreement with interdepartmental memorandum signed by Robert V. Magrino, Deputy Town Attorney, Office of the Town Attorney, Town of Orangetown, dated July 1, 2009, and subject to the additional conditions:

1. The applicant shall provide proof satisfactory to the Town Attorney's Office that the security for the original performance bond is still in effect.
2. All previous conditions of subdivision approval and performance bond requirement remain in effect.

PB #09-28- Route 9W Golf Subdivision Plan- Recommendation to the Town Board for a Reduction in the Performance Bond; 78.14/1/2; R-40 zoning district

Town of Orangetown Planning Board Recommendation

July 8, 2009

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

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

Dated: July 8, 2009

Town of Orangetown Planning Board

Planning Board
Env.Mgt.Eng.
Supervisor

OBZPAE RC Planning
HDR
PRC

RC Drainage
Town Board

RC Highway
Assessor Town Attorney

**PB #09-40: Tracey Subdivision Plan
Granted 1st 90 Day Extension to File the Subdivision with the Rockland
County Clerk's Office; 70.18/2/6; R-15 zoning district**

**Town of Orangetown Planning Board Decision
July 8, 2009
Page 1 of 1**

TO: Donald Brenner, 4 Independence Avenue, New York 10983
FROM: Orangetown Planning Board
RE: **Tracey Subdivision Plan:** The application of Patricia and Michael Tracey, owners, (Donald Brenner, attorney) for the First 90 Day Extension to File the Subdivision Plat with the Rockland County Clerk's Office for a subdivision to be known as "**Tracey 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 525 Western Highway, Blauvelt, Town of Orangetown, Rockland County, New York and as shown on the Orangetown Tax Map as Section 70.18, Block 2, Lot 6 in the R-15 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, July 8, 2009**, at which time the Board made the following determination:

The Board received the following communications:

1. Project Review Committee Report dated July 1, 2009.
2. An interdepartmental memorandum signed by John Giardiello, P.E., Director of the Office of Building, Zoning and Planning Administration and Enforcement, Town of Orangetown, dated July 8, 2009.
3. An interdepartmental memorandum signed by Bruce Peters, P.E., Department of Environmental Management and Engineering (DEME), Town of Orangetown, dated July 6, 2009.
4. PB #08-62, Reapproval of Final Approval Subject to Conditions, dated November 12, 2008 and PB #07-42, Final Approval Subject to Conditions, dated June 27, 2007.

The Board discussed the 1st 90 Day Extension to file the subdivision plan. A motion was made to close the Public Hearing portion of the meeting by Bruce Bond and seconded by Kevin Garvey and carried as follows: Robert Dell, aye; Kevin Garvey, aye; Bruce Bond, aye; Andy Stewart, aye; John Foody, aye; William Young, aye; and Jeffrey Golda, aye.

DECISION: In view of the foregoing, the Board GRANTED the 1st 90 Day Extension in time to file the Tracey Subdivision with the Rockland County Clerk's Office.

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

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

Dated: July 8, 2009 Town of Orangetown Planning Board

PB #09-39: The Promenade Assisted Living Facility Site Plan; Final Site Plan Approval Subject to Conditions

TOWN OF ORANGETOWN PLANNING BOARD DECISION

July 8, 2009

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TO: Donald Brenner, P.E., LL.B., 4 Independence Avenue, Tappan, New York 10983
FROM: Orangetown Planning Board
RE: The application of Blue Hill Development LLC, owner, for Final Site Plan Review for a proposed Site Plan to be known as “**The Promenade Assisted Living Facility Site Plan**”, in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21A of the Code of the Town of Orangetown. The site is located at 582 Veterans Memorial Drive, Pearl River, New York; north side of Veterans Memorial Drive, 0 feet from the intersection of Gilbert Avenue, Pearl River, New York. Tax Map: 73.05/1/53.1; OP zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, July 8, 2009**, at which time the Board made the following determinations:

Donald Brenner and Thomas Vanderbeek appeared and testified for the applicant.

The Board received the following communications:

1. Project Review Committee Reports dated July 8 and June 17, 2009.
2. Interdepartmental memorandums from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated July 8 and June 24, 2009.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering, (DEME) Town of Orangetown, signed by Bruce Peters, P.E., dated June 22, 2009.
4. A letter from the Rockland County Department of Planning, signed by Salvatore Corallo, Commissioner of Planning, dated June 22, 2009.
5. Letters from the Rockland County Department of Highways, signed by Sonny Lin, P.E., dated June 22, 2009.
6. A letter from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated May 28, 2009.
7. A copy of a letter to Michael Bettmann, Chief Fire Inspector, Town of Orangetown Bureau of Fire Prevention, from Greater Hudson Valley Engineering & Land Surveying, P.C., dated June 19, 2009.
8. Interoffice memorandums from Michael Bettmann, Chief Fire Inspector, Town of Orangetown Bureau of Fire Prevention, dated July 1 and June 15, 2009 and September 11, 2008.

**PB #09-39: The Promenade Assisted Living Facility Site Plan;
Final Approval Subject to Conditions**

TOWN OF ORANGETOWN PLANNING BOARD DECISION

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9. Plans prepared by Greater Hudson Valley Engineering, dated July 10, 2008: Sheet 4: Planimetric Site Plan, revised March 5, 2009
10. ACABOR #09-18, Approved with Conditions, dated June 2, 2009, ZBA #09-26, Approved Side Yard, Total Side Yard and Building Height Variances, dated May 6, 2009 and PB #08-55, Preliminary Subdivision Approval Subject to Conditions, dated February 11, 2009.
11. A copy of a letter to John Giardiello, P.E., Director, Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, from Donald Brenner, P.E., LL.B., dated July 7, 2009.

The Board reviewed the Site 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 seconded by Kevin Garvey and carried as follows:

Bruce Bond, aye; Andy Stewart, aye; Kevin Garvey, aye; John Foody, aye; Jeffrey Golda, aye; Robert Dell, aye and William Young, 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 applicant shall comply with all pertinent and applicable conditions of all previous Board Decisions: ACABOR #09-18, Approved with Conditions, dated June 2, 2009, ZBA #09-26, Approved Side Yard, Total Side Yard and Building Height Variances, dated May 6, 2009 and PB #08-55, Preliminary Subdivision Approval Subject to Conditions, dated February 11, 2009.

**PB #09-39: The Promenade Assisted Living Facility Site Plan;
Final Approval Subject to Conditions**

TOWN OF ORANGETOWN PLANNING BOARD DECISION

July 8, 2009

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- 4.** The Architectural plans shall be submitted and reviewed to confirm that an “Assisted Living Facility” will be built at the site. The applicant shall also indicate whether individual units will be “rented” or “sold” or the occupants charged a “monthly fee” based on income, etc.
- 5.** The turnaround in the parking lot needs to comply with the New York State Fire Code.
- 6.** The Town of Orangetown Office of Building, Zoning, Planning Administration and Enforcement, is still waiting for the revised SWPPP (including documentation and calculations that the existing basin’s performance is reviewed for water quality performance.)
- 7.** A post construction stormwater maintenance agreement (in accordance with NYSDEC Phase II regulations) for the proposed stormwater systems shall be submitted the 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
- 8.** Rockland County Department of Planning had the following comments which are incorporated herein as conditions of approval:
 - A review shall be completed by the Rockland County Department of Highways and all required permits obtained.
 - Since the property has been partially cleared, soil erosion measures that meet all applicable regulations shall be in place and verified to the satisfaction of the Town. Prior to the start of any additional 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
 - There shall be no net increase in storm water run off from the site.
 - Prior to final site plan approval, a signage plan that meets all Town requirements shall be provided.
 - Since the Rockland County T.R.I.P.S. program will be providing transportation services to elderly and handicapped individuals, the canopy over the entrance area must have a height that meets the requirements for their vehicles. In addition, the circulation pattern must be designed so that the T.R.I.P.S. vehicles can perform pick-ups and drop-offs without the need to back the vehicles, since regulations prohibit the vehicles from backing. Please contact the T.R.I. P.S. office at (845)364-3607.

**PB #09-39: The Promenade Assisted Living Facility Site Plan;
Final Approval Subject to Conditions**

TOWN OF ORANGETOWN PLANNING BOARD DECISION

July 8, 2009

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Continuation of Condition #8....

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.

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

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.

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.

Public sewer mains requiring extensions within a right of way or an easement shall be reviewed and approved by the Rockland County Health Department prior to construction.

Note #7 on the Site Plan shall be revised to refer to Section 239-n of the New York State General Municipal Law.

Note #8 on the Site Plan is incomplete and missing information about the benchmark. This information must be provided.

An underground parking plan must be provided, showing access, structural supports, and handicapped parking spaces.

**PB #09-39: The Promenade Assisted Living Facility Site Plan;
Final Approval Subject to Conditions**

TOWN OF ORANGETOWN PLANNING BOARD DECISION

July 8, 2009

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

A copy of the drainage calculations need to be forward for additional review and approval. There shall be a Zero Net increase in storm water runoff from this site.

A discussion shall be made regarding the cumulative effects from the overall major impacts at the surrounding areas along Veterans Memorial Drive corridor.

Rockland County Highway Department Work Permit will be required prior to the start of excavation or construction performed with this project.

Separate additional Rockland County Highway Department Road Opening Permits will be necessary should the applicant find it necessary to improve and/or upgrade any existing sanitary sewer or utility connections which involve disruption to the paved surface within Veterans Memorial Drive.

Based upon the plans and information provided, the Rockland County Highway Department agrees with the conceptual plan as shown.

10. 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.

11. The Rockland County Department of Health reviewed the plans revised through March 5, 2009. Fully engineered plans are to be submitted to the Department of Environmental Health Program to determine what Rockland County Health Department approval will be needed for this application.

12. The Town of Orangetown Bureau of Fire Prevention reviewed the Plan and provided the following comments which are incorporated herein as conditions of approval. In addition, **the following comments shall be placed on the Final Site Plan as notes.**

All driveways/roadways must be a minimum of 26 feet wide curb to curb, to allow emergency vehicles access. In addition, there shall be an unobstructed height of 13 feet six inches maintained at all times in all roadways/driveway area.

All paved areas other than designated/marked parking spots shall be Fire Lanes. (Signs and appropriate striping shall be provided and maintained by owner).

The driveway on the west side of the building is in excess of 300 feet in length, therefore, a turnaround designed as per code must be constructed.

Requirements for Dead-End Fire Apparatus Access Roads

LENGTH (feet)	WIDTH (feet)	TURN-AROUNDS REQUIRED
0-150	20	None required
151-500	20	120 foot Hammerhead, 60 foot "Y" or 96 foot diameter cul-de-sac in accordance with Figure D103.1

**PB #09-39: The Promenade Assisted Living Facility Site Plan;
Final Approval Subject to Conditions**

TOWN OF ORANGETOWN PLANNING BOARD DECISION

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Continuation of Condition #12.....

The access road in the rear of the building shows a width of 12 feet using pavers and grasscrete. This needs to be widened, and it is the experience of the Bureau with grasscrete that during the winter months, proper snow removal does not take place. In addition, proper curb cuts to allow for access must be provided.

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

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

15. TREE PROTECTION: The following note shall be placed on the Site Plan:

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

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

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

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

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

One (1) foot radius from trunk per inch DBH

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

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

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

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

**PB #09-39: The Promenade Assisted Living Facility Site Plan;
Final Approval Subject to Conditions**

TOWN OF ORANGETOWN PLANNING BOARD DECISION

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16. 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.

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).

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 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

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

**PB #09-39: The Promenade Assisted Living Facility Site Plan;
Final Approval Subject to Conditions**

TOWN OF ORANGETOWN PLANNING BOARD DECISION

July 8, 2009

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Override

The Board made a motion to override Condition #4 and Condition #6 of the June 22, 2009 letter from Rockland County Department of Planning, signed by Salvatore Corallo, Commissioner of Planning, for the following reasons:

“#4. Since the circulation road that serves Promenade 1 is located close to the proposed lot line, either an easement to allow the owner of Lot #1 to easily maintain the road shall be provided, or the lot line shall be adjusted southward to allow adequate space for future maintenance.”

The Board held that the Subdivision of the property was already reviewed and received Final Approval subject to Conditions, PB #09-38, on June 24, 2009.

A motion to override the condition was made and moved by Bruce Bond and seconded by Kevin Garvey 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.

“#6. No new landscaping plan was submitted for review. The landscaping plan does not include a listing of the proposed plants. The amount of landscaping proposed is very scant. Additional landscaping must be provided to help buffer this use from the surrounding uses, with special attention to how the area proposed to be graded along the southern and southeastern borders of lot #2 will be stabilized and planted with screening materials. A detailed landscaping plan with adequate plantings must be provided for review.”

The Board held that the Landscaping was reviewed and approved by the Town of Orangetown Architecture and Community Appearance Board of Review.

A motion to override the condition was made and moved by Bruce Bond and seconded by Kevin Garvey 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 Kevin Garvey and seconded by William Young 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 8, 2009

Town of Orangetown Planning Board

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

PB #09-25 – 135 South Highland Avenue Resubdivision – Preliminary Approval Subject to Conditions/ Neg. Dec.

TOWN OF ORANGETOWN PLANNING BOARD DECISION

July 8, 2009

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TO: Anthony Benedict, Esq., 500 Airport Ex. Park, Suite 502, Nanuet, New York 10954

FROM: Orangetown Planning Board

RE: **135 South Highland Avenue Resubdivision Plan:** Application of 135 South Highland Avenue, LLC by Suzanne Pfister, applicant for 135 South Highland Avenue, LLC, owner (Anthony J. Benedict, attorney for the applicant) for Prepreliminary/Preliminary/Final Resubdivision Plan Review for a site to be known as “**135 South Highland Avenue 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 135 South Highland Avenue, Pearl River, New York, New York. Tax Map Numbers: 68.15/2/77 & 78; in the R-15 zoning district.

Heard by the Planning Board of the Town of Orangetown at meetings held **Wednesday, April 29 and July 8, 2009**, at which time the Board made the following determinations:

April 29, 2009

Anthony Benedict and Jay Greenwell appeared and testified.

1. Project Review Committee Report dated April 22, 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 April 29, 2009.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated April 23, 2009.
4. A letter from the Rockland County Department of Planning, signed by Salvatore Corallo, Commissioner of Planning, dated April 20, 2009.
5. A letter from Rockland County Highway Department, signed by Sonny Lin, P.E., dated April 15, 2009.
6. A letter from the Rockland County Drainage Agency, signed by Edward Devine, Executive Director, dated March 30, 2009.
7. A letter from the Rockland County Sewer District #1, signed by Joseph LaFiandra, dated April 24, 2009.

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8. Letters from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated March 23, 2009.
9. A letter from the New York State Department of Environmental Conservation, Division of Permits, Region 3, signed by Margaret E. Duke, Regional Permit Administrator, dated April 21, 2009.
10. A letter from the Town of Orangetown Zoning Board of Appeals, signed by William Mowerson, Chairperson, dated April 1, 2009.
11. A Project Description prepared by applicant.
12. A Short Environmental Assessment Form signed by Suzanne Pfister, Esq., dated January 12, 2009.
13. Resubdivision Plan prepared by Jay Greenwell, PLS, dated September 18, 2008.

Public Comments:

Michael Maiorano, 141 South Highland Avenue, Pearl River; requested information regarding the proposed layout of the site.

Curt Spiegel, 26 Guttman Lane, Pearl River; wanted to know if the rear of the lot would have a Conservation Easement included in the subdivision plan.

The applicant requested a **CONTINUATION**.

July 8, 2009

Anthony Benedict, Bob Pero and Jay Greenwell appeared and testified.

1. Project Review Committee Report dated July 1, 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 July 8, 2009, with an attachment of a letter signed by Jay A. Greenwell, dated June 12, 2009.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated July 6, 2009.
4. A letter from the Rockland County Department of Planning, signed by Salvatore Corallo, Commissioner of Planning, dated July 7, 2009.
5. A letter from Rockland County Highway Department, signed by Sonny Lin, P.E., dated July 1, 2009.

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6. Letters from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated June 15, 2009.
7. A letter from the Rockland County Sewer District #1, signed by Joseph LaFiandra, Engineer II, dated June 30, 2009.
8. A copy of a letter from the Village of Chestnut Ridge, signed by Allan Rubin, Chairman, Village of Chestnut Ridge Planning Board, to the Town of Orangetown Zoning Board of Appeals, dated June 18, 2009.
9. A Project Description prepared by applicant.
10. Plans prepared by Jay Greenwell, PLS:
 - Minor Subdivision dated September 18, 2008, revised June 5, 2009
 - Conceptual House Layout dated September 18, 2009, revised April 30, 2009

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

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

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

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

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

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On motion by Kevin Garvey and seconded by Bruce Bond 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.

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 Short Environmental Assessment Form, item #6 shall be answered as "A two lot minor subdivision". Item #8 shall be answered "No" and "ZBA variances required" as the description.
4. The following variances need to be sought from the Town of Orangetown Zoning Board of Appeals:

Lot 1

Variance	Required	Proposed
Minimum Lot Width (Chapter 43, Section 3.12, R-15, Group M, Column 8)	100 ft.	80 ft
Front Yard (Chapter 43, Section 3.12, R-15, Group M, Column 8)	30 ft.	28.9 ft.
Side Yard (Chapter 43, Section 3.12, R-15, Group M, Column 9)	20 ft.	19 ft

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Continuation of Condition #4....

Lot 1

Variance	Required	Proposed
Total Side Yard	50 ft.	39.5 ft

(Chapter 43, Section 3.12, R-15, Group M, Column 10)

Maximum Building Height: 1 foot per foot from a property line, therefore a maximum height allowed is 19 feet and 24.4 feet is existing as per the letter of June 12, 2009, from Jay Greenwell, PLS, see attached.

Lot 2

Variance	Required	Proposed
Minimum Street Frontage	75 ft.	20 ft

(Chapter 43, Section 3.12, R-15, Group M, Column 7)

5. The proposed sanitary house connection for Lot #2 shall be shown on the plans.
6. A note shall be added to the plans indicating the source benchmark for the referenced datum, including the BM elevation.
7. Typical details shall be included with the drawings, i.e. paving, curbing, etc.
8. A note shall be placed on the Subdivision plan stating that there will be no further subdivision of Lot #2. The applicant agreed to increase the Conservation Easement to a minimum of 100 feet. A legal Document shall be submitted for the review and approval in form and substance by the Town Attorneys Office.
9. When the owner of Lot #2 proposes to develop the property, they shall submit a Site Plan for Planning Board review and approval.
10. Rockland County Department of Planning had the following comments which are incorporated herein as conditions of approval:
 - 1) The concerns expressed in the July 1 2009 letter from the Rockland County Highway Department shall be addressed and all required permits obtained.
 - 2) As required by the Rockland County Stream Control Act, the subdivision plat must be reviewed and signed by the Chairman of the Rockland County Drainage Agency before the County Clerk can accept the subdivision plat for filing.
 - 3) 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.

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Continuation of Condition #10....

- 4) 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.
 - 5) Public sewer mains requiring extension within a right of way or an easement shall be reviewed and approved by the Rockland County Health Department prior to construction.
 - 6) 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.
11. 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.
12. In accordance with the Rockland County Stream Control Act, Chapter 846, all subdivision maps must be signed by the Chairman of the Rockland County Drainage Agency (RCDA) before the Rockland County Clerk will accept for filing. The final approved subdivision map must be submitted to the RCDA for review.
13. Rockland County Sewer District does not object to the plan as shown. This project does not affect any sanitary sewers within the District and no future correspondence is requested for this site.
14. The Rockland County Department of Health reviewed the plan and found that no approvals from the Rockland County Health Department are necessary for this application. When development is proposed for Lot #2, approval from the Bureau of Mosquito Control will be needed for stormwater management system.

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15. 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 Highways
- Town of Orangetown Zoning Board of Appeals

16. The following note shall be placed on the subdivision map:

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:

- 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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17. 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.

18. 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.

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

20. 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).

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

22. 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

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

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

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

Override

The Board made a motion to override Condition #2 of the July 7, 2009 letter from Rockland County Department of Planning, signed by Salvatore Corallo, Commissioner of Planning, for the following reasons:

“#2) Drainage plans and calculations for the subdivision plat shall demonstrate that there will be no net increase in stormwater runoff from the subject property.”

The Board held that Lot #2 will be reviewed for drainage when it appears in front of the Planning Board for development as a full Site Plan Review.

A motion to override the condition was made and moved by Bruce Bond and seconded by Kevin Garvey 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, nay; 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 8, 2009

Town of Orangetown Planning Board

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

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

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

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

NAME OF ACTION: 135 South Highland Avenue Resubdivision

SEQR STATUS: Type I _____ Unlisted XXXXXX

CONDITIONED NEGATIVE DECLARATION: Yes _____ No XXXXXX

DESCRIPTION OF ACTION: Resubdivision Plan Review

LOCATION: The site is located at 135 South Highland Avenue, Pearl River, New York, New York. Tax Map Numbers: 68.15/2/77 & 78; in the R-15 zoning district.

REASONS SUPPORTING THIS DETERMINATION:

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

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

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

For Further Information contact:

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

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

