

**TOWN OF ORANGETOWN PLANNING BOARD
MEETING OF JULY 9, 2008**

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

MEMBERS ABSENT: Robert Dell, Chairperson

ALSO PRESENT: Len Post, Building Inspector, Department of Building, Zoning,
Planning Administration and Enforcement; Robert Magrino, Deputy Town Attorney;
Ann Marie Ambrose, Stenographer and Cheryl Coopersmith, Chief Clerk

Bruce Bond, Vice-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:

Hogar Performance Bond Release (Ramland Road South) Recommendation to the Town Board to Release the Performance Bond 73.20/1/27; LIO zone	Postponed to July 23rd Meeting	PB #08- 39
--	---	-------------------

Wyeth Site Plan- Building 215A Prepreliminary/Preliminary Site Plan and SEQRA Review 68.08/1/1; LI zone	Preliminary Site Plan Approval Subject to Conditions/Neg. Dec.	PB #08- 36
---	---	-------------------

Wyeth - North Retention Basin Plan Prepreliminary/Preliminary/Final Site Plan and SEQRA Review 68.08/1/1; LI zone	Continued to July 23rd Meeting	PB #08- 40
---	--	-------------------

Pre-School Playhouse Expansion Site Plan Prepreliminary/Preliminary Site Plan And SEQRA Review 70.14/2/32; R-15 zone	Continued: Submit Site Plan	PB #08- 38
--	--	-------------------

Dr. Fisher Site Plan Prepreliminary/Preliminary Site Plan And SEQRA Review 74.18/3/35; CS zone	Preliminary Site Plan Approval Subject to Conditions/Neg. Dec.	PB #08- 41
--	---	-------------------

Other Business:

1. Town Board Request to Review Zone Change Section 70.19, Block 1, Lot 2, from LIO to R-15: The Planning Board recommends to the Town Board that residential uses along Route 303 are inconsistent with the overall planning for the Route 303 corridor; i.e. safety concerns such as access.

2. Referral from the Village of Piermont: New Cingular Wireless Telecommunication Antennas: No Comment/Action.

3. Referral from the Rockland County Legislature: Amendment to Rockland County Official Map – Removal of Old Blue Hill Road West and to Add a Two – Acre Parcel Adjacent to Hunt Road: Part of an Intermunicipal Agreement to Transfer Certain Real Property in the Town of Orangetown: The Planning Board has reviewed the Site Plan for this location and has no objection to this proposed amendment, since the Board reviewed the site as a Site Plan known as the Point at Lake Tappan, PB #07-56, dated October 10, 2007, Final Site Plan Approval Subject to Conditions. A motion was made and moved by Kevin Garvey and seconded by John Foody and carried as follows: Robert Dell, absent; Kevin Garvey, aye; Bruce Bond, aye; Anthony Iurica, recused; Jeffrey Golda, aye; John Foody, aye and William Young, aye.

The decisions of the June 25, 2008 Planning Board Meeting was reviewed, edited and approved. The motion for adoption was made and moved by Kevin Garvey and seconded by John Foody and carried as follows: Robert Dell, absent; Kevin Garvey, aye; Bruce Bond, aye; Anthony Iurica, aye; Jeffrey Golda, aye; John Foody, aye and William Young, aye.

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

Since there was no further business to come before the Board, a motion to adjourn the meeting was made by Kevin Garvey and second by Anthony Iurica and agreed to by all in attendance. The meeting was **adjourned at 8:40 p.m.** The next Planning Board meeting is scheduled for **July 23, 2008.**

DATED: July 9, 2008
Town of Orangetown Planning Board

**Wyeth Site Plan – Building 215A; Preliminary Site Plan Approval
Subject to Conditions**

TO: Andrew Karcz; Wyeth, Facilities Manager; 401 North Middletown Road
Pearl River, NY 10965

FROM: Orangetown Planning Board

RE: The application of Andrew Karcz, applicant, for Wyeth, owner, Preliminary Site Plan Approval and to determine the environmental significance of the application pursuant to the requirements of the New York State Environmental Quality Review Act, at a site known as “**Wyeth Site Plan – Building 215A**”, 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 401 North Middletown Road, Pearl River, Town of Orangetown, Rockland County, New York and as shown on the Orangetown Tax Map as Section 68.08, Block 1, Lot 1 in the LI zoning district.

Heard by the Planning Board of the Town of Orangetown at meetings held **Wednesday, June 25 and July 9, 2008** at which time the Board made the following determinations:

June 25, 2008

Andrew Karcz, John Banyo and Brian Quinn appeared and testified.

The Board received the following communications:

1. Project Review Report dated June 18, 2008.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated June 25, 2008.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E. dated June 19, 2008.
4. A letter from Brooker Engineering, signed by Brian Brooker, P.E., dated June 24, 2008.
5. Letters from Rockland County Department of Planning signed by Eileen Miller, Senior Planner, dated May 20, 2008 and Salvatore Corallo, Commissioner of Planning, dated June 23, 2008.
6. Letters from the Rockland County Department of Highways, signed by Joseph Arena, Principal Engineering Technician, dated June 23, 2008.
7. A letter from the Rockland County Drainage Agency, signed by Edward Devine, Executive Director dated June 11, 2008.
8. Letters from the Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated May 29, 2008.
9. A letter from the Rockland County Sewer District #1, signed by Joseph LaFiandra, Engineer II, dated June 11, 2008.
10. A letter from the Town of Orangetown Zoning Board of Appeals, signed by William Mowerson, undated.
11. A Short Environmental Assessment Form signed by Kerrin Mahaffey, Senior Director, Site Support Services, dated May 20, 2008.

**Wyeth Site Plan – Building 215A; Preliminary Site Plan Approval
Subject to Conditions**

12. Plans prepared by Jacobs, dated April 23, 2008, revised April 29, 2008, 2008, signed and sealed by Robert York, RA.

The Board reviewed the plans.

The applicant requested a **CONTINUATION** of the application in order to fulfill the requests of the Board.

July 9, 2008

Andrew Karcz, John Banyo and Joe Cuilla appeared and testified.

The Board received the following communications:

1. Project Review Report dated July 2, 2008.
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 9 and June 25, 2008.
3. A letter from Brooker Engineering, signed by Kenneth DeGennaro, P.E., dated July 8, 2008.

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 seconded by John Foody and carried as follows:

Bruce Bond, aye; Anthony Iurica, aye; Kevin Garvey, aye; John Foody, aye; William Young, aye; Robert Dell, absent 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 Anthony Iurica and seconded by William Young and carried as follows: Robert Dell, absent; Anthony Iurica, aye; William Young, aye; Bruce Bond, aye; John Foody, aye; Jeffrey Golda, aye and Kevin Garvey, aye the Board declared itself Lead Agency.

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:

TOWN OF ORANGETOWN PLANNING BOARD DECISION

July 9, 2008

**Wyeth Site Plan – Building 215A; Preliminary Site Plan Approval
Subject to Conditions**

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

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

On motion by Anthony Iurica and seconded by John Foody and carried as follows: Bruce Bond, aye; Anthony Iurica, aye; Robert Dell, absent; 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 PRELIMINARY SITE PLAN APPROVAL SUBJECT TO THE FOLLOWING CONDITIONS:

1. The following note shall be placed on the Site Plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a meeting."
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 Short Environmental Assessment Form appears to be in order.
4. All retaining walls need to be designed by a Professional Engineer, licensed in the State of New York, and the wall details submitted for review and approval. Label the height of the retaining walls shown on the Site Plan.
5. It appears the "Planned Detention Basin" will capture the runoff from this proposed building addition therefore the planned detention basin will need final approval prior to granting final approval for this proposal.

**Wyeth Site Plan – Building 215A; Preliminary Site Plan Approval
Subject to Conditions**

6. In reviewing the Planning Board's Drainage Consultant, Brooker Engineering, letter of July 8, 2008, the Consultant states that it believes the combined projects of Building 215A and the North Detention Basin can meet the Town's requirement of achieving a zero net increase in peak runoff rates for the 1-, 2-, 10-, 25-, and 100-year design storms with respect to the proposed Building 215A Site Plan. The Drainage Consultant therefore recommends that the Building 215A Site Plan be approved for drainage subject to the following conditions:

- 1). As per the Consultant's June 24, 2008 drainage review report, the conditions in the September 26, 2007 conditional final approval of the Campus Drainage Study should be satisfactorily addressed.
- 2). As per the Consultant's June 24, 2008 drainage review report, the current North Detention Basin configuration (storage volume, outlet control structure, drainage area contributing to the basin, etc.) should be included in the hydrologic modeling of the Campus Drainage Study and the reduction of peak flows to "Greenfield" conditions should be verified. The August 2007 Campus Drainage Study Report (Table 5) shows a reduction of 100-year discharges for Drainage Area 4 from 94.15 cfs (Greenfield Conditions) to 67.54 cfs (post-construction). The June 5, 2008 Drainage Report shows a reduction of 100 – year discharges for Drainage Area 4 from 94.14 cfs (Greenfield Conditions) to 81.20 cfs (Post construction). The currently proposed North Detention Basin is smaller than what was previously proposed in the conditionally approved August 2007 Campus Drainage Study.
- 3). As per the Consultant's June 24, 2008 drainage review report, the list of proposed impervious surfaces on the Site Plan Sheet 2 of 2 should be verified and compared with the Total Added Impervious Area of 18,590 square feet. The roof area with connecting links is 12,436 square feet, and the remaining five items listed has a total impervious area of 7,153 square feet, which gives a total impervious area of 19,589 square feet. This conflicts with the total added impervious area listed as 18,590 square feet. On Site Plan Sheet 1 of 2, the note "existing roof area shall be expanded by a total of 12,436 (Building 215A + substation)" conflicts with the data listed on Sheet 2 of 2.
- 4). As per the Consultant's June 24, 2008 drainage review report, the 20 scale drawing (Site Plan Sheet 2 of 2) should include proposed grading and utilities. Proposed spot grades should be added at building corners and doorways to clarify positive drainage away from the building and doorways.

**Wyeth Site Plan – Building 215A; Preliminary Site Plan Approval
Subject to Conditions**

Continuation of Condition #6.....

5). As per the Consultant's June 24, 2008 drainage review report, drainage structures for the new impervious areas, if proposed, should be shown on the plan. The applicant has indicated that drainage system from the new building and pavement to the existing storm drainage pipe system in the road to the south is proposed; this should be added to future plans. The note on Drawing G-078763A "New loading area will drain by overland flow" should be deleted from future site plans.

6). A trench drain should be added across the road south of Building 215A to intercept runoff on this road and ensure it is conveyed to the North Detention Basin, as per the design of the stormwater management plan.

7). As per the Consultant's June 24, 2008 drainage review report, proposed grading in the enclosed courtyard between the new building 215A and existing building 215 should be added to the plan. The means for draining this area should be added to the plan.

8). As per the Consultant's June 24, 2008 drainage review report, an Erosion Control Plan with details should be added to the Site Plan drawings.

9). As per the Consultant's June 24, 2008 drainage review report, the vertical datum of the Site Plan drawings should correspond to the vertical datum of the Campus Drainage Study.

10). An updated Site Plan should be provided that shows the correct location of the North Detention Basin.

11). The graphic scale on Drawing D-C-011 should be consistent with the listed scale of 1"-40'. The graphic scales on all attachments in the Drainage Report should be checked and corrected where necessary. These maps should be plotted to scale.

12). The applicant has indicated that the proposed building is a slab on grade with no basement. This should be noted on the Site Plans. Spot grade elevations at the top and bottom of the exterior staircases should be added to the plans.

13). During the Consultant's site visit, it was noted that the existing channel north of Building 215 has experienced severe erosion of the channel banks. This channel receives stormwater runoff from the large north parking lot. The proposed plan should include stabilization of this channel and demonstrate that no future erosion will occur. The proposed plan also diverts runoff from this channel to the proposed North Detention Basin. A detail for this diversion structure should be added to the plan and address velocity, clogging, and overflow concerns.

Wyeth Site Plan – Building 215A; Preliminary Site Plan Approval
Subject to Conditions

Continuation of Condition #6.....

- 14).** Sediment from the eroded channel was deposited in the riprap channel near Building 170B. This should be cleaned and incorporated into the Stormwater Pollution Prevention Plan.
 - 15).** The drainage basin “DA-4” is subdivided into additional subareas reflecting what enters the proposed North Basin. These subareas should be shown on the drainage basin maps in the June 5, 2008 drainage report and the updated Campus Drainage Study.
 - 16).** The impervious area map in the June 5, 2008 drainage report (DA4 IMP) does not show the proposed impervious areas of the Building 215A expansion. This should be shown on the map, and the impervious areas should be itemized on this map. The permanent pool elevation of the proposed detention basin should be considered impervious area on this map and on the curve number calculations; the curve number calculations should be updated to reflect this.
 - 17).** The slope of the North Basin outlet pipe should be shown on the plan and it should be demonstrated that this pipe has capacity to convey flows from the detention basin back to the channel.
- 7.** Drainage calculations, prepared and sealed by a New York State Licensed Professional Engineer, shall be submitted to DEME for review and approval.
 - 8.** In order to achieve zero net increase in runoff and because the applicant’s engineer has indicated that the storm water runoff from this proposed site will drain into the proposed north detention basin, the north basin must be constructed and in operation prior to this building being constructed.
 - 9.** Copies of all correspondence, including any and all approvals with the New York State Department of Environmental Conservation, U.S. Army Corps. Of Engineers, Rockland County Drainage Agency, etc. in connection with this proposed site, shall be supplied to the Planning Board and DEME, prior to signing the Site Plan.
 - 10.** Soil erosion and sediment control plans and details shall be submitted to DEME for review and approval.
 - 11.** A note shall be added to the Site Plan indicating the source benchmark for the referenced datum, including the BM elevation.
 - 12.** Typical details shall be included with the drawings, including catch basins, paving, etc.
 - 13.** A review shall be completed by the New York State Department of Transportation and any required permits obtained.

**Wyeth Site Plan – Building 215A; Preliminary Site Plan Approval
Subject to Conditions**

14. As indicated in the June 11, 2008 letter from the Rockland County Drainage Agency (RCDA), a permit from the RCDA will be required and application materials must be submitted.

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

16. Signage, lighting and landscaping plans shall be provided that meet all Town of Orangetown requirements.

17. A review shall be completed by the Town of Clarkstown and any concerns addressed.

18. 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.

19. 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.

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

21. Prior to any grading or construction on the site, a soil and erosion control plan shall be developed that meets the New York State Guidelines for Urban Erosion and Sediment Control.

22. 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.

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

**Wyeth Site Plan – Building 215A; Preliminary Site Plan Approval
Subject to Conditions**

24. The Rockland County Highway Department has reviewed the information provided and found the proposed action would have no foreseeable adverse effect upon county roads in the area.

25. Based on the information provided and maps available to Rockland County Drainage Agency (RCDA), the site has been determined to be within the jurisdiction of the RCDA. Accordingly, a permit from the RCDA pursuant to the Rockland County Stream Control Act, Chapter 846, is required. The applicant shall submit an application to RCDA immediately.

26. 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.

27. 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 RCDOH. No other Rockland County Department of Health approvals are needed for this application.

28. 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
- Town of Orangetown Zoning Board of Appeals

The Board made a motion to override Condition #9 of the June 23, 2008 letter from Rockland County Department of Planning, signed by Salvatore Corallo, Commissioner of Planning, for the following reasons:

“#9. The overall site plan for the campus shall be provided, including a Bulk Table and parking calculations that show how the existing and proposed construction relate to the applicable requirements.”

The Board held that the proposed construction was not adding new employees and parking would not be increasing on the site. The Planning Board has reviewed many individual plans on the Wyeth Campus prior to this project application and has reviewed and approved an Overall Campus Drainage Study.

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

**TOWN OF ORANGETOWN PLANNING BOARD DECISION
July 9, 2008**

**Wyeth Site Plan – Building 215A; Preliminary Site Plan Approval
Subject to Conditions**

The foregoing Resolution was made and moved by Kevin Garvey and seconded by Anthony Iurica, and carried as follows: Bruce Bond, aye, Anthony Iurica, aye, Robert Dell, absent, John Foody, aye, Jeffrey Golda, aye, William Young, 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 9, 2008

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

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

**Wyeth Site Plan – Building 215A
Preliminary Site Plan Approval
Subject to Conditions**

**PB #08-36
July 9, 2008
Page 10 of 10**

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: **Wyeth Site Plan – Building 215A**

SEQR STATUS: Type I _____ Unlisted XXXXXX

CONDITIONED NEGATIVE DECLARATION: Yes _____ No XXXXXX

DESCRIPTION OF ACTION: **Site Plan Review**

LOCATION: The site is located at 401 North Middletown Road, Pearl River, Town of Orangetown, Rockland County, New York and as shown on the Orangetown Tax Map as Section 68.08, Block 1, Lot 1 in the LI 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 #08-39

TOWN OF ORANGETOWN PLANNING BOARD DECISION

July 9, 2008

**Dr. Fisher Site Plan; Preliminary Site Plan Approval Subject to Conditions/
Neg. Dec.**

Page 1 of 11

TO: Donald Brenner; 4 Independence Avenue, Tappan, NY 10983
FROM: Orangetown Planning Board

RE: The application of the Dr. Edward S. Fisher, applicant, for FADB Realty, Inc., owner for Preliminary Site Plan Approval and to determine the environmental significance of the application pursuant to the requirements of the New York State Environmental Quality Review Act, at a site known as "**Dr. Fisher 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 4 – 6 Independence Avenue, Tappan, Town of Orangetown, Rockland County, New York and as shown on the Orangetown Tax Map as Section 74.18, Block 3, Lot 35 in the CS zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, July 9, 2008**, at which time the Board made the following determinations:

Donald Brenner, Varsha Reddy and Dr. Edward Fisher appeared and testified. The Board received the following communications:

1. A Project Review Memo dated July 2, 2008.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated July 9, 2008.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering, (DEME) Town of Orangetown, signed by Bruce Peters, P.E., dated July 3, 2008.
4. A letter from HDR signed by Harvey Goldberg, P.E., dated June 24, 2008.
5. Letters from the Rockland County Department of Planning, signed by Eileen Miller and Salvatore Corallo, Commissioner of Planning, dated June 25, 2008.
6. A letter from Rockland County Drainage Agency, signed by Edward Devine, Executive Director, dated June 11, 2008.
7. A letter from Rockland County Sewer District #1, signed by Joseph LaFiandra, Engineer II, dated June 12, 2008.
8. Letters from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated June 10, 2008 and a copy of a letter to FADB Realty Corp., signed by Brian Hunderfund, Senior Environmental Health Specialist, undated.

**Dr. Fisher Site Plan; Preliminary Site Plan Approval Subject to Conditions/
Neg. Dec.**

Page 2 of 11

9. An interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by Michael B. Bettmann, Chief, dated June 13, 2008.

10. A Short Environmental Assessment Form signed by Dr. Edward Fisher, dated May 28, 2008.

11. Plans prepared by Jay A. Greenwell, PLS, dated May 2, 2008.

12. A Hydraulic Analysis and Stormwater Design Calculations, prepared by Gdanski Consultants, Inc., dated May 19, 2008.

The Board reviewed the plans.

Public Comment: Vicky Cooper, abutting property owner, 360 Western Highway, raised concerns regarding the availability of parking on the site and the placement of the garbage dumpster. Ms. Cooper also raised issue with possible encroachment on her property by the applicant, she provided the Board with two surveys of her property; one prepared by a New Jersey Land Surveyor and another by a New York Land Surveyor.

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

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

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

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

**Dr. Fisher Site Plan; Preliminary Site Plan Approval Subject to Conditions/
Neg. Dec.**

Page 3 of 11

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

On motion by Kevin Garvey and seconded by William Young and carried as follows: Bruce Bond, aye; Anthony Iurica, aye; Robert Dell, absent; 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 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 seek the following variances from the Town of Orangetown Zoning Board of Appeals:

A.) A Minimum Front Yard of 0 or 45 feet is required, 10.6 feet is existing and 2.2 feet on the Independence Avenue and 5.7 feet on the Western Highway side are proposed. (Section 3.12, "Table of General Bulk Regulations", Column 8, CS Zone District, Group FF).

B.) A Minimum Rear Yard Buffer of 50 feet is required, 0 feet is existing and 0 feet is proposed. Note: This proposed building addition does not affect the buffer or existing rear yard setback and is for the Zoning Board of Appeals information.

C.) The required number of parking spaces is 20 and the proposed number of parking spaces is 17. (Section 3.11, Table of General Use Regulations, CS District, Column 6, Item 2, "Offices").

**Dr. Fisher Site Plan; Preliminary Site Plan Approval Subject to Conditions/
Neg. Dec.**

Page 4 of 11

- 4.** The applicant must submit a letter from Jay Greenwell, Land Surveyor, commenting on the Survey prepared by Anthony R. Celentano, PLS., dated May 29, 2003, entitled "Survey for Weissman", Tax Map Designation 74.18-3-34. This letter shall be submitted prior to or, as part of the Final Planning Board application.
- 5.** The Short Environmental Assessment Form needs to be revised, Item #8 shall be answered "No" and the Zoning Board of Appeals variances listed.
- 6.** The application shall be reviewed by the Town of Orangetown Architecture and Community Appearance Board of Review.
- 7.** The dumpster location shall be shown on the Site Plan.
- 8.** The drainage calculations are currently under review by DEME. However, Because the Perc Rate is assumed, a field Perc Test shall be administered prior to receiving final approval for the Site Plan, to ensure adequacy of designed drainage system. The applicant's engineers shall provide a copy of the field Perc Test to DEME and the Building Department.
- 9.** The applicant shall indicate if the existing patio (from lot #74.18/3/36) is to be removed out of the proposed parking area. Also, the applicant will indicate what measures are to be installed to keep a car from driving onto the patio (on lot #74.18/3/36).
- 10.** The applicant shall provide an easement for the portion of the existing 30 inch RCP drainage line that runs through the lot, along the south eastern portion of the property.
- 11.** The drawing indicates a 6'5" x 6' 6" drywell, however, the drainage calculations state that a 6' x 4' drywell shall be utilized, this shall be corrected.
- 12.** A permit shall be obtained to "Tie" into the existing catch basin at the corner of Western Highway and Independence Avenue.
- 13.** The existing sanitary building connection location shall be shown on the Site Plan.
- 14.** The soil erosion and sediment control plans and details are under review by DEME. However, erosion control measures shall be depicted along the south astern portion of the existing driveway entrance, along independence Avenue that is to be removed.
- 15.** The Applicant proposes to add a one story building addition to an existing two story office building, and to reconfigure the existing paved parking and driveway areas. The 0.31-acre site is located on the northwest corner of the intersection of Western Highway with Independence Avenue. The proposed development will increase the impervious area of the site by 1,336SF. The Applicant proposes to mitigate the increased runoff due to this increase in impervious area by providing a 6-ft drywell in a stone surround. Drainage calculations have been provided.

PB #08-39
TOWN OF ORANGETOWN PLANNING BOARD DECISION
July 9, 2008

**Dr. Fisher Site Plan; Preliminary Site Plan Approval Subject to Conditions/
Neg. Dec.**
Page 5 of 11

Continuation of Condition #15.....

Based upon the Drainage Consultant's review of the current submittal, they believe that the proposed drainage plan can achieve a zero net increase in runoff rate, and therefore recommended acceptance for drainage subject to the following conditions:

- The calculations for sizing the drywell and the details of the drywell shown on the plans do not agree and must be revised to be consistent. The Drainage Consultant believes that the CN number (79) for existing conditions in the calculations is too high and must be reduced to a maximum of 65 to be conservative. The Drainage Consultant further believes that the drywell detail showing a 6-ft diameter by 6-ft deep drywell in a 12-ft by 12-ft stone surround may be difficult to construct due to its close proximity to the existing 30-in RCP storm sewer in Western Highway. The Drainage Consultant believes that it should be possible to reduce the size of the stone surround to 12-ft by 9-ft and still provide adequate storage capacity while adding an additional 3-ft clearance to the storm sewer. The drainage calculations and the drywell details must be revised to be consistent with each other and must be resubmitted.
- The 6-in drywell overflow pipe shall be increased to 12-in.

16. 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).

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

18. 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.

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

**Dr. Fisher Site Plan; Preliminary Site Plan Approval Subject to Conditions/
Neg. Dec.**

20. Signage, lighting and landscaping plans that meet all Town requirements shall be provided.

21. 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.

22. The Town shall be satisfied that appropriate screening of the adjacent area zoned and used for residential uses is adequate. A complete visual buffer, such as with a row of Arborvitae trees, shall be installed along any such property line.

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

24. 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. The review and approvals concerning drainage and stormwater management conditions in this matter appear to be within the jurisdiction of the appropriate Town of Orangetown land use board(s) and municipal departments.

25. 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.

26. The Rockland County Department of Health (RCDOH) requests the following: Article 19 of the Rockland County Sanitary Code (Mosquito Code) requires engineering plans for new Stormwater facilities with the Rockland County Health District be submitted to and approved by the Office of Environmental Health Program at least 30 days prior to construction. The Code requires a written Mosquito Breeding Suppression Plan be submitted which indicates what control measures will be implemented for the design submitted. RCDOH also requires that the basin be maintained such that original design is functional. If the project moves forward, Article 19 will require the following to be submitted to RDCOH:

**PB #08-39
TOWN OF ORANGETOWN PLANNING BOARD DECISION
July 9, 2008**

**Dr. Fisher Site Plan; Preliminary Site Plan Approval Subject to Conditions/
Neg. Dec.
Page 7 of 11**

Continuation of Condition #26....

- 1) Engineering plans for stormwater facility including catch basins, maintenance schedule and responsible party,
- 2) Stormwater plan review fee, and
- 3) Completion of Stormwater Facility/Mosquito Breeding Suppression Plan Cover Sheet.

Acceptable control measures may include but are not limited to

- A) Routine treatment with mosquito larvicide in accordance with NYSDEC,
- B) Mechanical agitation sufficient to prevent breeding,
- C) Stocking permanent bodies of water with fathead minnows,
- D) Designs that remove all water within 5 days following a rain event,
- E) Exclusion of mosquitoes.

27. The Town of Orangetown Bureau of Fire Prevention had the following comments:

The applicant shall install an NFPA 72 Compliant Fire Alarm System, with a direct connection to Rockland County Control with 2 dedicated phone lines.

28. 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

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

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

31. 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:

PB #08-39

TOWN OF ORANGETOWN PLANNING BOARD DECISION

July 9, 2008

**Dr. Fisher Site Plan; Preliminary Site Plan Approval Subject to Conditions/
Neg. Dec.**

Page 8 of 11

Continuation of Condition #31.....

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

One (1) foot radius from trunk per inch DBH

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

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

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

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

32. 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.

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

PB #08-39

TOWN OF ORANGETOWN PLANNING BOARD DECISION

July 9, 2008

**Dr. Fisher Site Plan; Preliminary Site Plan Approval Subject to Conditions/
Neg. Dec.**

Page 9 of 11

34. 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).

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

36. 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

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

The Board made a motion to override Condition #2 of the June 25, 2008 letter from Rockland County Department of Planning, signed by Salvatore Corallo, Commissioner of Planning, for the following reasons:

"#2. The proposed building size should be reduced so that the amount of required on-site parking provided and the amount of residential buffer provided more closely conform to the requirements of the Town's zoning code."

The Board held that the project site was a pre-existing condition that will be reviewed by the Town of Orangetown Zoning Board of Appeals.

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

**PB #08-39
TOWN OF ORANGETOWN PLANNING BOARD DECISION
July 9, 2008**

**Dr. Fisher Site Plan; Preliminary Site Plan Approval Subject to Conditions/
Neg. Dec.
Page 10 of 11**

The Board made a motion to override Condition #3 of the June 25, 2008 letter from Rockland County Department of Planning, signed by Salvatore Corallo, Commissioner of Planning, for the following reasons:

“# 3. There shall be no increase above the current number of parking spaces placed in the required buffer, where the property adjoins R-15 zoned lands.”

The Board held that the project site was a pre-existing condition that will be reviewed by the Town of Orangetown Zoning Board of Appeals. In addition, the Board held that the applicant was seeking fewer parking spaces than required by the Code.

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

The foregoing Resolution was made and moved by Kevin Garvey and seconded by John Foody and carried as follows: Robert Dell, absent; Bruce Bond, aye; Anthony Iurica, aye; William Young, aye; John Foody, 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 9, 2008
Town of Orangetown Planning Board**

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

**PB #08-39 – TOWN OF ORANGETOWN PLANNING BOARD DECISION
July 9, 2008
Dr. Fisher Site Plan; Preliminary Site Plan Approval Subject to Conditions/
Neg. Dec.
Page 11 of 11**

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: **Dr. Fisher Site Plan**

SEQR STATUS: Type I _____
Unlisted XXXXXX

CONDITIONED NEGATIVE DECLARATION: Yes _____
No XXXXXX

DESCRIPTION OF ACTION: **Site Plan Review**

LOCATION: The site is located at 4 – 6 Independence Avenue, Tappan, Town of Orangetown, Rockland County, New York and as shown on the Orangetown Tax Map as Section 74.18, Block 3, Lot 35 in the CS 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