

**TOWN OF ORANGETOWN PLANNING BOARD
MEETING OF JUNE 24, 2009**

MEMBERS PRESENT: Bruce Bond, Vice-Chairperson; Kevin Garvey; William Young and Jeffrey Golda

MEMBER ABSENT: Robert Dell, Chairperson; John Foody and Andy Stewart

ALSO PRESENT: John Giardiello, Director, Department of Building, Zoning , Planning Administration and Enforcement; Robert Magrino, Deputy Town Attorney; Richard Pakola, Deputy Town Attorney; Ann Marie Ambrose, Stenographer and Cheryl Coopersmith, Chief Clerk

Bruce Bond, Vice - Chairperson called the meeting to order at 8:00 p.m.
Mr. Garvey read the agenda. Hearings as listed on this meeting's agenda which are made a part of these minutes, were held as noted below:

Sickels Farm Subdivision Request for an Extension of the Term of the Performance Bond; Request for a Reduction of the Amount of the Performance Bond or Recommendation to the Town Board to Release the Performance Bond 69.08/1/2; R-40 zoning district	Recommended to the Town Board to Release the Performance Bond	PB #09-22 (PB #09-06)
Orangeburg Chase Bank Resubdivision Plan Request for First 90 Day Extension to File the Subdivision Plan at the Rockland County Clerk's Office 74.11/2/51 & 52; CC zoning district	Granted 1st 90 Day Extension to File	PB #09-32
Lowe's Garden Center Site Plan Final Site Plan Review 74.15/1/3 & 4; LI zoning district	Postponed to July 8th Meeting	PB #09-33
Dy-Co Management Corporation Internal Subdivision Plan Prepreliminary/Preliminary/Final Internal Subdivision of Commercial Space Plan Review and SEQRA Review 77.16/1/32; LIO zoning district	Final Approval Subject to Conditions Neg. Dec.	PB #09-34
Parseghian Site Plan Prepreliminary/Preliminary/Final Reaffirmation of the Site Plan and SEQRA Review 70.10/3/18; CC zoning district	Continued to July 22nd Meeting	PB #09-35
Art Student League Resubdivision Plan Prepreliminary/Preliminary/Final Resubdivision Plan and SEQRA Review 74.16/1/9 & 75.13/1/1; R-40 zoning district	Preliminary Approval Subject to Conditions Neg. Dec.	PB #09-36

**TOWN OF ORANGETOWN PLANNING BOARD
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Art Student League Site Plan Prepreliminary/Preliminary Site Plan and SEQRA Review 74.16/1/9 & 75.13/1/1; R-40 zoning district	Preliminary Site Plan Approval Subject to Conditions/Neg. Dec.	PB #09-37
The Promenade Assisted Living Facility Minor Subdivision Plan Final Subdivision Plan Review 73.05/1/53.1; OP zoning district	Final Approval Subject to Conditions Neg. Dec.	PB #09-38
The Promenade Assisted Living Facility Site Plan Final Site Plan Review 73.05/1/53.1; OP zoning district	Postponed to July 8th Meeting	PB #09-39

The Board reviewed, edited and approved the May 13, 2009 Planning Board Meeting. The motion for adoption was made and moved by Kevin Garvey and seconded by Jeff Golda and carried as follows: Robert Dell, absent; Kevin Garvey, aye; Bruce Bond, aye; Andy Stewart, absent; Jeffrey Golda, aye; John Foody, absent and William Young, aye.

The Board reviewed, edited and approved the May 27, 2009 Planning Board Meeting. The motion for adoption was made and moved by Kevin Garvey and seconded by Jeff Golda and carried as follows: Robert Dell, absent; Kevin Garvey, aye; Bruce Bond, aye; Andy Stewart, absent; Jeffrey Golda, aye; John Foody, absent 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, seconded by Bruce Bond and agreed to by all in attendance. The meeting was adjourned at 9:05 p.m. The next Planning Board meeting is scheduled for July 8, 2009.

**DATED: June 24, 2009
Town of Orangetown Planning Board**

PB #09-06/22: Sickels Farm Subdivision Plan– Request for Release of the Performance Bond

TOWN OF ORANGETOWN PLANNING BOARD RECOMMENDATION

June 24, 2009

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TO: William Bosley, LaBozz 2 Builders Corp., 10 Sugarhill Road, Nyack, New York

FROM: Orangetown Planning Board

The application of William Bosley, LaBozz 2 Builders, Corp., owner, for Sickels Farm Subdivision, for the Recommendation to the Town Board to **Release the Performance Bond, at site known as “Sickels Farm 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 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, Lot 2 in the R-40 zoning district.

Heard by the Planning Board of the Town of Orangetown at meetings held **Wednesday, February 11, April 29 and June 24, 2009**, at which time the Board made the following determinations:

February 11, 2009

William Bosley and Stephen Honan appeared and testified for the applicant.

The Board received the following communications:

1. A Project Review Committee Report dated February 4, 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 February 11, 2009.
3. An interdepartmental memorandum signed by Bruce Peters, P.E., dated February 5, 2009.
4. Two Interdepartmental memorandums signed by James J. Dean, Superintendent, Highway Department, Town of Orangetown, dated February 3, 2009.
5. An interdepartmental memorandum requesting review for the reduction of the Performance Bond, dated January 12, 2009.
6. A letter signed by William Bosley dated April 7, 2008 requesting reduction of the Performance Bond, with a copy of a letter from Trustco Bank, noting the expiration date of the Letter of Credit.
7. A copy of PB #05-34, Recommendation to the Town Board to Establish the Performance

The applicant requested a **CONTINUATION** of the application.

PB #09-06/22: Sickels Farm Subdivision Plan– Request for Release of the Performance Bond

TOWN OF ORANGETOWN PLANNING BOARD RECOMMENDATION

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April 29, 2009

William Bosley and Stephen Honan appeared and testified for the applicant.

The Board received the following communications:

1. Project Review Committee Reports dated February 18 & April 22, 2009.
2. Interdepartmental memorandums signed by John Giardiello, P.E., Director of the Office of Building, Zoning and Planning Administration and Enforcement, Town of Orangetown, dated February 25 & April 29, 2009.
3. Copies of letters from Estrin, Benn & Lane, LLC, signed by Stephen M. Honan, attorney for Mr. Bosley, to Robert Magrino, Deputy Town Attorney, Town of Orangetown, dated February 16, 2009 & April 8, 2009.
4. A letter to the Planning Board signed by Diane Coffey, dated February 11, 2008.
5. A letter signed by William Bosley dated April 7, 2008 requesting reduction of the Performance Bond.

The Board discussed the Request to Extend the Term, Reduce the Amount or Release the Performance Bond.

The applicant requested a **CONTINUATION** of the application.

June 24, 2009

William Bosley appeared and testified.

The Board received the following communications:

1. A Project Review Committee Report dated June 17, 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 June 24, 2009.
3. An interdepartmental memorandum signed by Robert V. Magrino, Deputy Town Attorney, Office of the Town Attorney, Town of Orangetown, dated June 17, 2009, with attachments of unexecuted; Maintenance Bond and Declaration of Covenant.

The Board discussed the Request to Reduce the Amount or Release the Performance Bond.

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

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

PB #09-06/22: Sickels Farm Subdivision Plan– Request for Release of the Performance Bond

TOWN OF ORANGETOWN PLANNING BOARD RECOMMENDATION

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RECOMMENDATION: In view of the foregoing, the Board RECOMMENDS to the Town Board the RELEASE of the Sickels Farms Subdivision PERFORMANCE BOND Subject to the Following Conditions:

1) The road known as O’Grady Court must be formally dedicated and accepted by the Town Board as a public road;

2) As part of the dedication of O’Grady Court, the applicant must post a \$10,000.00 Maintenance Bond with the Town, for the purpose of protecting the Town from faulty materials, faulty workmanship, or faulty design of the road, and for any damage done to the road during construction of homes in the subdivision;

3) The applicant must execute a Covenant, to be recorded in the Rockland County Clerk’s Office at the applicant’s expense, which states that prior to the issuance of a building permit on any lots in the subdivision, the owner of said lot must post a \$10,000.00 escrow with the Town to insure the installation and maintenance of soil erosion and sediment control devices on each lot, and to cover the cost of any damage done to the public road during the construction of homes on each lot.

4) The applicant shall submit updated an As-Built Drawing of the Subdivision Plat to the Town of Orangetown Department of Environmental Management and Engineering.

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

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

Dated: June 24, 2009

Town of Orangetown Planning Board

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

PB #09-32- Orangeburg Chase Bank Resubdivision Plan – 1st 90 Day Extension Granted

TOWN OF ORANGETOWN PLANNING BOARD DECISION

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TO: Ira Emanuel, 4 Laural Road, New City, New York 10956

FROM: Orangetown Planning Board

RE: Orangeburg Chase Bank Resubdivision Plan: The application of JP Morgan Chase Bank, N.A., applicant, for Johnson Kirchner Holdings, LLC, owner, (Ira Emanuel, Attorney) for a 90 Day Extension to File the Resubdivision Plan at the Rockland County Clerk's Office for a site to be known as "Orangeburg Chase Bank 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. The site is located at 333 Route 303, Orangeburg, Town of Orangetown, Rockland County, New York and as shown on the Orangetown Tax Map as Section 74.11, Block 2, Lots 51 & 52 in the CC zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, June 24, 2009**, at which time the Board made the following determinations:

Ira Emanuel appeared and testified for the applicant.

The Board received the following communications:

1. Project Review Committee Report dated 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 June 24, 2009.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering, (DEME) Town of Orangetown, signed by Bruce Peters, P.E., dated June 17, 2009.

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, absent; John Foody, absent; William Young, aye; Robert Dell, absent; Jeffrey Golda, aye and Kevin Garvey, aye.

DECISION: In view of the foregoing and the testimony before the Board, the application was GRANTED THE FIRST 90 DAY EXTENSION TO FILE THE RESUBDIVISION at the Rockland County Clerk's Office, subject to the following conditions:

1. The applicant still needs to comply with PB #08-64, condition #5, existing sanitary building connection from the gas station.
2. The metes and bounds for the existing 36 inch sanitary main, as well as ownership, shall be given on the plans.

The foregoing Resolution was made and moved by Kevin Garvey and seconded by William Young and carried as follows: Bruce Bond, aye; Andy Stewart, absent; William Young, aye; John Foody, absent; Robert Dell, absent; 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: June 24, 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 Supervisor

**PB #09-34: Dy-Co Management Corporation Internal Subdivision Plan;
Final Approval Subject to Conditions
TOWN OF ORANGETOWN PLANNING BOARD DECISION**

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TO: Howard Dean, 150 White Plains Road, Suite 300, Tarrytown,
New York 10591

FROM: Orangetown Planning Board

RE: **Dy-Co Management Corporation Internal Subdivision Plan:** The application of Howard Dean, owner, for Prepreliminary/Preliminary/Final Internal Subdivision of Commercial Space Plan Review for a site known as "Dy-Co Management Corporation Internal 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, and to determine the environmental significance of the application pursuant to the requirements of the New York State Environmental Quality Review Act. The site located at 258 Oak Tree Road, Tappan, New York, Town of Orangetown, Rockland County; and as shown on the Orangetown Tax Map as Section 77.16, Block 1, Lot 32 in the LIO zoning district

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, June 24, 2009**, at which time the Board made the following determinations:

Howard Dean appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated 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 June 24, 2009.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering, (DEME) Town of Orangetown, signed by Bruce Peters, P.E., dated June 17, 2009.
4. Letters from the Rockland County Department of Planning, signed by Salvatore Corallo, Commissioner of Planning, dated June 24 & 22, 2009.
5. Letters from the Rockland County Department of Highways, signed by Joseph Arena, Principal Engineering Technician, dated May 20 & 19, 2009.
6. A letter from Rockland County Drainage Agency, signed by Edward Devine, Executive Director, dated May 28, 2009.
7. Letters from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated May 19, 2009.
8. A letter from the Rockland County Sewer District No. 1 signed by Joseph LaFiandra, Engineer II, dated June 12, 2009.
9. An interdepartmental memorandum from the Fire Prevention Bureau, Town of Orangetown, signed by Michael Bettmann, Chief, dated May 18, 2009.

**PB #09-34: Dy-Co Management Corporation Internal Subdivision Plan;
Final Approval Subject to Conditions
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10. A letter from the Town of Orangetown Zoning Board of Appeals, signed by William Mowerson, Chairperson, dated May 20, 2009.

11. A Short Environmental Assessment Form signed by Howard Dean; Dean Carson, Tappan Carson, LLC, dated May 11, 2009, signed by Bruce Bond, Vice-Chairman of the Orangetown Planning Board, dated June 24, 2009.

12. A Floor Plan depicting the division of internal space.

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

**PB #09-34: Dy-Co Management Corporation Internal Subdivision Plan;
Final Approval Subject to Conditions
TOWN OF ORANGETOWN PLANNING BOARD DECISION**

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DECISION: In view of the foregoing and the testimony before the Board, the application was GRANTED A FINAL 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 is requesting a Commercial Subdivision of an existing building. At the time of a Building Permit Application, an architectural plan prepared by a licensed design professional, in accordance with the New York State Building Codes, shall be submitted
4. The Short Environmental Assessment Form appears to be in order, the Board corrected a comment and the Vice Chairman signed the Form.
5. The applicant is advised that the Town of Orangetown has a new Fat, Oil and Grease Program (F.O.G.) which must be complied with.
6. The applicant is reminded that some types of business may require a pretreatment facility on site and a permit from DEME. The design of such facilities must be reviewed and approved by DEME prior to any construction.
7. As expressed in the May 20, 2009 letter from the Rockland County Highway Department, the Town shall be satisfied that the parking provided on site meets the Town requirements and that adequate on-site parking will be available.
8. Rockland County Department of Highway provided the following comments for consideration and are conditions of approval:
 - 1) Based upon the plans and information provided, the proposed project as submitted should have a de minimis impact to county roads in the area.
 - 2) It is the Rockland County Department of Highway long-standing policy that all parking be contained on site in accordance to current Town Zoning Code. All required parking shall be provided, and parking shall be adequate for type of use.

**PB #09-34: Dy-Co Management Corporation Internal Subdivision Plan;
Final Approval Subject to Conditions
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9. 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 within RCDA jurisdiction. The site is also in close proximity to New York State Department of Environmental Conservation and U.S. Army Corps of Engineers designated wetlands. However, the current proposal under review is for an internal subdivision of space and renovations within the footprint of the existing structure. It does not appear that there is any construction outside of the existing building footprint proposed at this time, therefore, a permit from the RCDA will not be required.

10. 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.

11. 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.

12. The Town of Orangetown Fire Prevention Bureau had the following comments and are conditions of approval. The following shall be placed on the plans as Notes in regard to the further subdivision from 10 units to 18 units:

The Fire Inspector requests the submittal of a reflected ceiling plan of the fire sprinklers so there is sufficient clearance to sprinkler heads in regard to the separation walls.

The Fire Inspector requests that the Plans includes egress routes from all spaces.

Each space shall have at least one smoke detector on its own zone.

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

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

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

**PB #09-34: Dy-Co Management Corporation Internal Subdivision Plan;
Final Approval Subject to Conditions
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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: June 24, 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	Supervisor			

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

**PB #09-34: Dy-Co Management Corporation Internal Subdivision Plan;
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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: Dy-Co Management Corporation Internal Subdivision Plan; Final Approval Subject to Conditions

SEQR STATUS: Type I _____; Unlisted XXXXXX

CONDITIONED NEGATIVE DECLARATION: Yes _____; No XXXXXX

DESCRIPTION OF ACTION: **Internal Subdivision Plan Review**

LOCATION: The site located at 258 Oak Tree Road, Tappan, New York, Town of Orangetown, Rockland County; and as shown on the Orangetown Tax Map as Section 77.16, Block 1, Lot 32 in the LIO zoning district

REASONS SUPPORTING THIS DETERMINATION:

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

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

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

For Further Information contact:

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

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

**PB #09-36: Art Student League Resubdivision Plan; Preliminary Approval
Subject to Conditions/Neg. Dec.
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TO: Walter Aurell, 118 Main Street, Tappan, New York 10983
FROM: Orangetown Planning Board
RE: **Art Student League Resubdivision Plan:** The application of Walter Aurell, applicant, for the Art Student League, owner, for Prepreliminary/Preliminary/Final Resubdivision Review for a site known as "Art Student League 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 located at 221 & 241 Kings Highway; Sparkill. East side of Kings Highway, approximately 1000 feet north of Hickey Street, Sparkill, New York, Town of Orangetown, Rockland County; and as shown on the Orangetown Tax Map as Section 74.16, Block 1, Lot 9 & Section 75.13, Block 1, Lot 1 in the R-40 zoning district

Heard by the Planning Board of the Town of Orangetown at a meeting held **June 24, 2009**, at which time the Board made the following determinations:

Walter Aurell and Gary Sussman appeared and testified for the applicant. The Board received the following communications:

1. A Project Review Committee Report dated June 17, 2009.
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 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 18, 2009.
4. A letter from HDR signed by Harvey Goldberg, P.E., dated June 6, 2009.
5. Letters from the Rockland County Department of Planning, signed by Eileen Miller, dated June 22, 2009 and Salvatore Corallo, Commissioner of Planning, dated June 22, 2009.
6. Letters from the Rockland County Department of Highways, signed by Joseph Arena, Principal Engineering Technician, dated May 20, 2009.
7. A letter from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated May 19, 2009.
8. A letter from Rockland County Sewer District #1, signed by Joseph LaFiandra, Engineer II, dated June 12, 2009.

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9. A letter from Rockland County Drainage Agency, signed by Edward Devine, Executive Director, dated May 21, 2009.
10. A letter from the Town of Orangetown Zoning Board of Appeals, signed by William Mowerson, Chairperson, dated May 20, 2009.
11. Short Environmental Assessment Form signed by Walter Aurell, dated January 31, 2009.
12. Plans prepared by Centerpoint Engineering, dated March 23, 2009:
 - Drawing 1: Overall Plan
 - Drawing 2: Grading, Utility and Erosion Control Plan
 - Drawing 3: Detail Sheet
13. Copy of ZBA #09-09, Interpretation: Not a School of General Instructions; Request Requires a Use Variances, dated April 1, 2009.
14. Drainage Analysis, prepared by Centerpoint Engineering, dated March 23, 2009.

The Board reviewed the Resubdivision Plan.

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

**PB #09-36: Art Student League Resubdivision Plan; Preliminary Approval
Subject to Conditions/Neg. Dec.
TOWN OF ORANGETOWN PLANNING BOARD DECISION**

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On motion by Kevin Garvey and seconded by William Young and carried as follows: Bruce Bond, aye; Andy Stewart, absent; Robert Dell, absent; John Foody, absent; 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 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. The following note shall be placed on the Subdivision Plan regarding Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.
3. The applicant is merging two lots by eliminating a common property line. A separate subdivision map shall be submitted prior to final approval.
4. The Short Environmental Assessment Form, under item #6 shall indicate elimination of a lot line or lot merger as the project description.
5. Iron pins shall be drawn and labeled at each property corner.
6. In accordance with the Planning Board's request, the Drainage Consultant to the Planning Board reviewed the subject Resubdivision Plan. Since the Applicant proposes to consolidate two lots (75.13-1-1 and 74.16-1-9) into a single 14.93 acre lot, no development is proposed under this Resubdivision Plan; therefore, there will be no impact on drainage due to the merger of lots. The Drainage Consultant recommended acceptance for drainage only for the Resubdivision of these two lots.
7. Rockland County Department of Planning had the following comments which are incorporated herein as conditions of approval:
 - (1) A clarification is requested regarding whether the "Overall Plan" submitted is intended to also serve as the re-subdivision plan to be recorded in the County Clerk's Office. If this is not the intent, a separate drawing that will serve as the resubdivision plan must be submitted for review.

**PB #09-36: Art Student League Resubdivision Plan; Preliminary Approval
Subject to Conditions/Neg. Dec.
TOWN OF ORANGETOWN PLANNING BOARD DECISION**

**June 24, 2009
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Continuation of Condition #7....

(2) As required by the Rockland County Stream Control Act, Chapter 846, requires that all subdivision maps must be signed by the Chairman of the Rockland County Drainage Agency before the Rockland County Clerk will accept same for filing.

(3) A review shall be completed by the Village of Piermont and any comments considered.

(4) There shall be not net increase in storm water run off from the site.

(5) 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.

(6) 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.

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

(8) A review shall be completed by the Rockland County Health Department with regard to the proposed septic tank system.

(9) Prior to the start of construction or grading, a soil and erosion control plan shall be developed and in place for the entire site that meets the New York State Guidelines for Urban Erosion and Sediment Control.

**PB #09-36: Art Student League Resubdivision Plan; Preliminary Approval
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Continuation of Condition #7....

(10) The Rockland County Historic Society's Survey includes the existing dwelling and barns this site. Any new structures or changes to the site shall be supportive and protective of the historic and architectural values of these structures.

(11) Signage and landscaping that meets Town requirements shall be provided.

8. The Rockland County Department of Highways found that the proposed project as submitted shall have a de minimis impact to county roads in the area.

9. 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.

10. Rockland County Stream Control Act, Chapter 846, requires that all subdivision maps must be signed by the Chairman of the Rockland County Drainage Agency before the Rockland County Clerk will accept same for filing.

11. Rockland County Department of Health (RCDOH) reviewed the plans and found the following:

Plans for the subsurface disposal system have not yet been submitted to the Rockland County Health Department for approval.

Water service to the proposed building is to be shown on the plans.

Application is to be made to the RCDOH for review of the stormwater management system for compliance with the County Mosquito Code.

12. 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.

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

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

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

**PB #09-36: Art Student League Resubdivision Plan; Preliminary Approval
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15. All reviews and approvals from various governmental agencies must be obtained prior to stamping of the Subdivision Plan.

16. 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 #09-36: Art Student League Resubdivision Plan; Preliminary Approval
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17. All landscaping shown on the subdivision plans shall be maintained in a vigorous growing condition throughout the duration of the use of this site. Any plants not so maintained shall be replaced with new plants at the beginning of the next immediately following growing season.

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, and signs and refuse control.

The foregoing Resolution was made and moved by Jeffrey Golda and seconded by William Young and carried as follows: Bruce Bond, aye; Andy Stewart, absent; William Young, aye; John Foody, absent; Robert Dell, absent; 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: June 24, 2009

Town of Orangetown Planning Board

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

**PB #09-36: Art Student League Resubdivision Plan; Preliminary Approval
Subject to Conditions/Neg. Dec.**

TOWN OF ORANGETOWN PLANNING BOARD DECISION

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June 24, 2009

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: Art Student League Resubdivision Plan; Preliminary Approval Subject to Conditions/Neg. Dec.

SEQR STATUS: Type I _____ Unlisted XXXXXX

CONDITIONED NEGATIVE DECLARATION: Yes _____ No XXXXXX

DESCRIPTION OF ACTION: Resubdivision Plan Review

LOCATION: The site located at 221 & 241 Kings Highway; Sparkill. East side of Kings Highway, approximately 1000 feet north of Hickey Street, Sparkill, New York, Town of Orangetown, Rockland County; and as shown on the Orangetown Tax Map as Section 74.16, Block 1, Lot 9 & Section 75.13, Block 1, Lot 1 in the R-40 zoning district

REASONS SUPPORTING THIS DETERMINATION:

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

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

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

For Further Information contact:

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

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

**PB #09-37: Art Student League Site Plan; Preliminary Site Plan Approval
Subject to Conditions/Neg. Dec.
TOWN OF ORANGETOWN PLANNING BOARD DECISION**

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TO: Walter Aurell, 118 Main Street, Tappan, New York 10983
FROM: Orangetown Planning Board
RE: **Art Student League Site Plan:** The application of Walter Aurell, applicant, for the Art Student League, owner, for Prepreliminary/Preliminary Site Plan Review for a site known as "Art Student League Site Plan", in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21A of the Code of the Town of Orangetown, and to determine the environmental significance of the application pursuant to the requirements of the New York State Environmental Quality Review Act. The site located at 221 & 241 Kings Highway; Sparkill. East side of Kings Highway, approximately 1000 feet north of Hickey Street, Sparkill, New York, Town of Orangetown, Rockland County; and as shown on the Orangetown Tax Map as Section 74.16, Block 1, Lot 9 & Section 75.13, Block 1, Lot 1 in the R-40 zoning district

Heard by the Planning Board of the Town of Orangetown at a meeting held **June 24, 2009**, at which time the Board made the following determinations:

Walter Aurell and Gary Sussman appeared and testified for the applicant. The Board received the following communications:

1. A Project Review Committee Report dated June 17, 2009.
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 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 18, 2009.
4. Letters from HDR signed by Harvey Goldberg, P.E., dated June 22, 2009 and June 6, 2009.
5. Letters from the Rockland County Department of Planning, signed by Eileen Miller, dated June 22, 2009 and Salvatore Corallo, Commissioner of Planning, dated June 22, 2009.
6. A letter from the Rockland County Department of Highways, signed by Joseph Arena, Principal Engineering Technician, dated May 20, 2009.
7. A letter from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated May 19, 2009.
8. A letter from Rockland County Sewer District #1, signed by Joseph LaFiandra, Engineer II, dated June 12, 2009.

**PB #09-37: Art Student League Site Plan; Preliminary Site Plan Approval
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**June 24, 2009
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9. A letter from Rockland County Drainage Agency, signed by Edward Devine, Executive Director, dated May 21, 2009.
10. Short Environmental Assessment Form signed by Walter Aurell, dated January 31, 2009.
11. Plans prepared by Centerpoint Engineering, dated March 23, 2009:
 - Drawing 1: Overall Plan
 - Drawing 2: Grading, Utility and Erosion Control Plan
 - Drawing 3: Detail Sheet
12. Copy of ZBA #09-09, Interpretations: Not a School of General Instructions; Request Requires a Use Variance, dated April 1, 2009.
13. Drainage Analysis, prepared by Centerpoint Engineering, dated June 22 and March 23, 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 Kevin Garvey and seconded by Bruce Bond and carried as follows: Bruce Bond, aye; Andy Stewart, absent; Kevin Garvey, aye; John Foody, absent; Jeffrey Golda, aye; Robert Dell, absent and William Young, 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, absent; William Young, aye; Robert Dell, absent; John Foody, absent; 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:

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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 William Young and seconded by Jeffrey Golda and carried as follows: Bruce Bond, aye; Andy Stewart, absent; Robert Dell, absent; John Foody, absent; 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. On January 21, 2009 and April 1, 2009 the applicant appeared before the Town of Orangetown Zoning Board of Appeals for an interpretation as to the type of school the Art Student League is considered. The Zoning Board of Appeals determined it to be a school of Special Instruction, therefore the proposed 4 unit student residence/ studio will require a Use Variance from the Zoning Board of Appeals.
4. The proposed septic system requires a Rockland County Board of Health approval.
5. The proposed grading shall be shown on the Site Plan.
6. The footprint of the proposed student housing shows 5 units, however the Short Environmental Assessment Form indicates 4 units. Please clarify.

**PB #09-37: Art Student League Site Plan; Preliminary Site Plan Approval
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7. Parking for the student housing shall be indicated on the Site Plan.
8. Soil borings or deep test hole data shall be provided to the Planning Board to determine if blasting would be required.
9. The Short Environmental Assessment Form appears to be in order.
10. The drainage calculations are currently under review by DEME.
11. The soil erosion and sediment control plans and details are under review by DEME. However, erosion control measures shall be placed around the proposed housing unit.
12. The proposed construction entrance shall be relocated closer to the site of the proposed construction.
13. The applicant is reminded that the sanitary septic system for the lot must be reviewed and approved by the Rockland County Department of Health. **Copies of this approval shall be supplied to the Planning Board and DEME prior to signing the Final Site Plan.**

14. The Drainage Consultant to the Planning Board reviewed the supplemental information regarding the subject Site Plan with respect to drainage, and submit the following findings:

The Applicant proposes to construct a new building to provide dormitory style housing for students. The Impervious area of the site will be increased by 3,826SF. To offset the increased runoff due to this increase in impervious area, the Applicant proposes to install a 10-ft x 20-ft x 5-ft deep drywell gallery to mitigate the increase in runoff, and to eliminate the rain garden concept. Revised Drainage Calculations have been provided. However, revised plans, sections and details have not been provided.

Upon review of the current submittal consisting of drainage calculations (dated June 22, 2009), and the previously submitted drawings, the Drainage Consultant believes that the proposed drainage plan can be modified to achieve a zero net increase in runoff rate from the developed site. **The Consultant therefore recommends acceptance for drainage subject to the following conditions:**

- The plans shall be revised to reflect the Drywell Gallery concept instead of the Rain Garden concept. Appropriate plans, sections and details shall be added to the drawings.
- The drywell calculations shall be revised conservatively. The CN number for existing woods shall be 70 instead of 77.
- The calculations assume that the area under the deck will have the same CN number under proposed conditions as the existing woods. This is doubtful. The Drainage Consultant finds that areas under decks usually have bare soil/dirt with a CN number of 87-91, since it is nearly impossible to get grass to thrive in such locations. The area of the proposed deck shall be included in the runoff calculations using CN=70 for existing conditions and CN=89 for proposed conditions.
- A calculation of average CN numbers shall be included in the calculations.
- Any other areas that will be disturbed and have its permeability changed shall be shown on the plans, and shall be included in the runoff calculations.

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

**PB #09-37: Art Student League Site Plan; Preliminary Site Plan Approval
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15. Rockland County Department of Planning had the following comments which are incorporated herein as conditions of approval:

- (1)** A clarification is requested regarding whether the "Overall Plan" submitted is intended to also serve as the re-subdivision plan to be recorded in the County Clerk's Office. If this is not the intent, a separate drawing that will serve as the resubdivision plan must be submitted for review.
- (2)** As required by the Rockland County Stream Control Act, Chapter 846, requires that all subdivision maps must be signed by the Chairman of the Rockland County Drainage Agency before the Rockland County Clerk will accept same for filing.
- (3)** A review shall be completed by the Village of Piermont and any comments considered.
- (4)** There shall be not net increase in storm water run off from the site.
- (5)** 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.
- (6)** 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.
- (7)** Public sewer mains requiring extensions within a right of way or an easement shall be reviewed and approved by the Rockland County Department of Health prior to construction.

**PB #09-37: Art Student League Site Plan; Final Approval Subject to
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Continuation of Condition #15....

(8) A review shall be completed by the Rockland County Health Department with regard to the proposed septic tank system.

(9) Prior to the start of construction or grading, a soil and erosion control plan shall be developed and in place for the entire site that meets the New York State Guidelines for Urban Erosion and Sediment Control.

(10) The Rockland County Historic Society's Survey includes the existing dwelling and barns this site. Any new structures or changes to the site shall be supportive and protective of the historic and architectural values of these structures.

(11) Signage and landscaping that meets Town requirements shall be provided.

16. The Rockland County Department of Highways found that the proposed project as submitted shall have a de minimis impact to county roads in the area.

17. 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.

18. Rockland County Department of Health (RCDOH) reviewed the plans and found the following:

Plans for the subsurface disposal system have not yet been submitted to the Rockland County Health Department for approval.

Water service to the proposed building is to be shown on the plans.

Application is to be made to the RCDOH for review of the stormwater management system for compliance with the County Mosquito Code.

19. 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.

20. 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 Highway
- Rockland County Drainage Agency
- Rockland County Department of Health
- Rockland County Sewer District #1

**PB #09-37: Art Student League Site Plan; Final Approval Subject to
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21. The applicant shall comply with all pertinent items in the Guide to the Preparation of Site Plats prior to signing the final plans.
22. All reviews and approvals from various governmental agencies must be obtained prior to stamping of the Site Plan.
23. 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 $\frac{3}{4}$ 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.

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

25. 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.

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

27. 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).

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

29. 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

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

The foregoing Resolution was made and moved by Kevin Garvey and seconded by William Young and carried as follows: Bruce Bond, aye; Andy Stewart, absent; William Young, aye; John Foody, absent; Robert Dell, absent; 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: June 24, 2009

Town of Orangetown Planning Board

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

PB #09-37: Art Student League Site Plan; Preliminary Approval Subject to Conditions/Neg. Dec.

TOWN OF ORANGETOWN PLANNING BOARD DECISION

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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: Art Student League Site Plan; Preliminary Site Plan Approval Subject to Conditions/Neg. Dec.

SEQR STATUS: Type I _____ Unlisted XXXXXX

CONDITIONED NEGATIVE DECLARATION: Yes _____ No XXXXXX

DESCRIPTION OF ACTION: Site Plan Review

LOCATION: The site located at 221 & 241 Kings Highway; Sparkill. East side of Kings Highway, approximately 1000 feet north of Hickey Street, Sparkill, New York, Town of Orangetown, Rockland County; and as shown on the Orangetown Tax Map as Section 74.16, Block 1, Lot 9 & Section 75.13, Block 1, Lot 1 in the R-40 zoning district

REASONS SUPPORTING THIS DETERMINATION:

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

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

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

For Further Information contact:

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

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

**PB #09-38: The Promenade Assisted Living Facility Minor Subdivision Plan;
Final Approval Subject to Conditions**

TOWN OF ORANGETOWN PLANNING BOARD DECISION

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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
Subdivision Review for a proposed 2 lot Subdivision, to be known as "**The
Promenade Assisted Living Facility Minor 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, and to determine the environmental significance of the application
pursuant to the requirements of the New York State Environmental Quality
Review Act Plan. 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
June 24, 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. A Project Review Committee Report dated June 17, 2009.
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 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 17, 2009.
4. A letter from the Rockland County Department of Planning, signed by
Salvatore Corallo, Commissioner of Planning, dated June 22, 2009.
5. A letter from Rockland County Department of Health, signed by
Scott McKane, P.E., Senior Public Health Engineer, dated May 28, 2009.
6. Plans prepared by Greater Hudson Valley Engineering, dated July 10, 2008:
Sheet 4: Planimetric Site Plan, revised March 5, 2009
7. 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 #08-54, Preliminary Subdivision Approval
Subject to Conditions, dated October 6, 2008.

**PB #09-38: The Promenade Assisted Living Facility Minor Subdivision Plan;
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The Board reviewed the Subdivision Plan.

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

DECISION: In view of the foregoing and the testimony before the Board, the application was GRANTED A FINAL 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. The following note shall be placed on the Subdivision Plan regarding Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.
3. Rockland County Department of Planning had the following comments which are incorporated herein as a condition of approval:
 - (1) No new subdivision was submitted for review. If the subdivision plan has been changed significantly since the time of its' previous review on September 8, 2008, Rockland County Department of Planning requests that the new map be provided for review. If no significant changes have occurred, its' September 8, 2008 review is still applicable to the subdivision plan that was previously submitted and dated July 8, 2008.
4. 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.
5. Rockland County Stream Control Act, Chapter 846, requires that all subdivision maps must be signed by the Chairman of the Rockland County Drainage Agency before the Rockland County Clerk will accept same for filing.

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- 6.** 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.
 - 7.** The applicant shall comply with all pertinent items in the Guide to the Preparation of Subdivision Plats prior to signing the final plans.
 - 8.** All reviews and approvals from various governmental agencies must be obtained prior to stamping of the Subdivision Plan.
 - 9. TREE PROTECTION:** The following note shall be placed on the subdivision plan:
The Tree Protection and Preservation Guidelines adopted pursuant to Section 21-24 of the Land Development Regulations of the Town of Orangetown will be implemented in order to protect and preserve both individual specimen trees and buffer area with many trees. Steps that will be taken to reserve and protect existing trees to remain are as follows:
 - a. No construction equipment shall be parked under the tree canopy.
 - b. There will be no excavation or stockpiling of earth underneath the trees.
 - c. Trees designated to be preserved shall be marked conspicuously on all sides at a 5 to 10 foot height.
 - d. The Tree Protection Zone for trees designated to be preserved will be established by one of the following methods:
 - One (1) foot radius from trunk per inch DBH
 - Drip line of the Tree Canopy. The method chosen should be based on providing the maximum protection zone possible. A barrier of snow fence or equal is to be placed and maintained one yard beyond the established tree protection zone. If it is agreed that the tree protection zone of a selected tree must be violated, one of the following methods must be employed to mitigate the impact:
 - Light to Heavy Impacts – Minimum of eight inches of wood chips installed in the area to be protected. Chips shall be removed upon completion of work.
 - Light Impacts Only – Installation of ¾ inch of plywood or boards, or equal over the area to be protected.
- The builder or its agent may not change grade within the tree protection zone of a preserved tree unless such grade change has received final approval from the Planning Board. If the grade level is to be changed more than six (6) inches, trees designated to be preserved shall be welled and/or preserved in a raised bed, with the tree well a radius of three (3) feet larger than the tree canopy.

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

11. 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.

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

13. 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).

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

15. 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

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

The foregoing Resolution was made and moved by William Young and seconded by Jeffrey Golda and carried as follows: Bruce Bond, aye; Andy Stewart, absent; William Young, aye; John Foody, absent; Robert Dell, absent; 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: June 24, 2009

Town of Orangetown Planning Board