

**TOWN OF ORANGETOWN PLANNING BOARD  
MEETING OF JUNE 25, 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:** John Giardiello, Director, Department of Building, Zoning , Planning Administration and Enforcement, Robert Magrino, Deputy Town Attorney, Ann Marie Ambrose, Stenographer and Cheryl Coopersmith, Chief Clerk

Bruce Bond, Chairperson called the meeting to order at 7:40 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:

<b>Walsh Subdivision Plan</b> Recommendation to the Town Board To Establish the Value and Term of the Performance Bond 64.20/1/3; R-40 zone	<b>Recommended to Town Board</b>	<b>PB #08-35</b>
<b>Wyeth Site Plan- Building 215A</b> Prepreliminary/Preliminary Site Plan and SEQRA Review 68.08/1/1; LI zone	<b>Continued to July 9<sup>th</sup> Meeting</b>	<b>PB #08- 36</b>
<b>Interdenominational Christian Fellowship of U.S Plans</b> Final Site Plan/Change of Use 77.10/3/57; R-15 zone	<b>Final Site Plan Approval Subject to Conditions and Change of Use Granted</b>	<b>PB#08- 37</b>
<b>Pre-School Playhouse Site Plan</b> Prepreliminary/Preliminary Site Plan And SEQRA Review 70.14/2/32; R-15 zone	<b>Postponed to July 9<sup>th</sup> Meeting</b>	<b>PB #08- 38</b>

The decisions of the June 11, 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 Bruce Bond and second by Kevin Garvey and agreed to by all in attendance. The meeting was adjourned at 8:05 p.m. The next Planning Board meeting is scheduled for **July 9, 2008**.

**DATED: June 25, 2008**

**Town of Orangetown Planning Board**

**Cheryl Coopersmith, Chief Clerk**

DISTRIBUTION

**PB #08-35**

**TOWN OF ORANGETOWN PLANNING BOARD RECOMMENDATION**

**June 25, 2008**

**Walsh Subdivision; Recommendation to the Town Board of the Value and Term of a Performance Bond**

TO: Gerald Walsh; 253 Townline Road; West Nyack, New York 10994

FROM: Orangetown Planning Board

RE: The application of Gerald Walsh, owner, for a Recommendation to the Town of Orangetown Town Board for the Value and Term of the Performance Bond for the "Walsh Subdivision Plan" with the Rockland County Clerk's Office, in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown and Chapter 21 of the Code of the Town of Orangetown. The site is located at 253 Townline Road, West Nyack, Town of Orangetown, Rockland County, New York and shown on the Orangetown Tax Map as Section 64.20, Block 1, Lot 3 in the R-40 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, June 25, 2008**, at which time the Board made the following determination:

The Board received the following communications:

1. PRC Report dated June 18, 2008.
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 25, 2008.
3. An interdepartmental memorandum signed by Bruce Peters, P.E., Department of Environmental Management and Engineering, Town of Orangetown, dated June 9, 2008.

The Board discussed 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 Anthony Iurica seconded by John Foody and carried as follows: Bruce Bond, aye; Anthony Iurica, aye; Kevin Garvey, aye; John Foody, aye; Jeffrey Golda, aye; Robert Dell, absent and William Young, aye.

**RECOMMENDATION:** In view of the foregoing, the Board RECOMMENDS TO THE TOWN OF ORANGETOWN TOWN BOARD that the value of the Performance Bond be established in accordance with the interdepartmental memorandum from Bruce Peters, P.E., Department of Environmental Management and Engineering, Town of Orangetown, dated June 8, 2008. The

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TOWN OF ORANGETOWN PLANNING BOARD RECOMMENDATION  
June 25, 2008**

**Walsh Subdivision; Recommendation to the Town Board of the Value and Term of a Performance Bond**

term of the Performance Bond shall not exceed two (2) years as set forth in Section 21A-10 of the Town of Orangetown Town Code, which shall be on or before June 9, 2010, and Subject to the Following Condition:

<b>ITEM</b>	<b>COST</b>
Monuments	\$ 700.00
Iron Pins	1,350.00
As-Built drawings	1,800.00
Soil Erosion Control	24,500.00
Sanitary Sewer System	10,300.00
	<u>Sub-Total 38,650.00</u>
Administrative Close-out (10% of Sub-Total)	\$ 7,730.00
	<u>Total Bond \$ 46,380.00</u>

**Inspection Fee (3% of Sub-Total) \$ 1,159.50**

**To be submitted to DEME prior to the onset of construction.**

**All Bonds are to conform to current town regulations.**

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

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

**Dated: June 25, 2008  
Town of Orangetown Planning Board  
Cheryl Coopersmith, Chief Clerk**

**TOWN OF ORANGETOWN PLANNING BOARD DECISION  
June 25, 2008**

**Interdenominational Christian Fellowship of U.S. Site Plan and Change of Use; Final Approval Subject to Conditions**

TO: Brian Aitchison DCAK Architecture; 10 South Broadway; Nyack, NY 10960  
FROM: Orangetown Planning Board

RE: The application of the DCAK Architecture, applicant, for Joseph Kucangara, owner for **Final Site Plan and Change of Use** at a site to be known as **Interdenominational Christian Fellowship of U.S. Site Plan and Change of Use 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 23 Stephens Road, Tappan, Town of Orangetown, Rockland County, New York and as shown on the Orangetown Tax Map as Section 77.10, Block 3, Lot 57 in the R-15 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **June 25, 2008**, at which time the Board made the following determinations:

Brian Aitchison, Joseph Kucangara and Brother Dr. Mathews Vergis appeared and testified.

The Board received the following communications:

1. A Project Review Memo dated June 18, 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 June 25, 2008.
3. An 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 HDR, signed by Harvey Goldberg, P.E., dated June 12, 2007.
5. A letter from the Rockland County Department of Planning, signed by Salvatore Corallo, Commissioner of Planning, dated June 12, 2008.
6. A letter from Rockland County Department of Highways, signed by Sonny Lin, P.E., dated June 12, 2008.
7. Site Plans prepared by DCAK Architecture, dated September 10, 2007, revised May 14, 2008:
  - C-100: Site Plan
8. A letter signed by Brian Aitchison, R.A., DCAK Architecture, dated May 16, 2008.

**TOWN OF ORANGETOWN PLANNING BOARD DECISION**

June 25, 2008

**Interdenominational Christian Fellowship of U.S. Site Plan and Change of Use; Final Approval Subject to Conditions**

9. Copies of the following Board decisions: Planning Board; PB #07-67, Preliminary Site Plan Approval Subject to Conditions, dated February 13, 2008, Zoning Board of Appeals; ZBA #08-30, Approved Variances: Floor Area Ratio, Front Yard Setback, Site Yard Setback, Rear Yard Setback and Building Height, Subject to Conditions, dated April 2, 2008 and Architecture and Community Appearance Board of Review; ACABOR #08-18, Approved with Conditions, dated May 20, 2008.

The Board reviewed the plans.

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 Anthony Iurica seconded by John Foody and carried as follows: Bruce Bond, aye; Anthony Iurica, aye; Kevin Garvey, aye; John Foody, aye; 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 SITE PLAN AND CHANGE OF USE APPROVAL SUBJECT TO THE FOLLOWING CONDITIONS:**

1. The applicant shall comply with all pertinent and applicable conditions of all previous Board Decisions: Planning Board; PB #07-67, Preliminary Site Plan Approval Subject to Conditions, dated February 13, 2008, Zoning Board of Appeals; ZBA #08-30, Approved Variances: Floor Area Ratio, Front Yard Setback, Site Yard Setback, Rear Yard Setback and Building Height, Subject to Conditions, dated April 2, 2008 and Architecture and Community Appearance Board of Review; ACABOR #08-18, Approved with Conditions, dated May 20, 2008.
2. 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."

**TOWN OF ORANGETOWN PLANNING BOARD DECISION**

**June 25, 2008**

**Interdenominational Christian Fellowship of U.S. Site Plan and Change of Use; Final Approval Subject to Conditions**

**PB #08-37 – TOWN OF ORANGETOWN PLANNING BOARD DECISION**

**June 25, 2008**

- 3.** 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.
- 4.** Prior to signing the Site Plan, the applicant shall comply with the condition of ZBA #08-30:
  - 1) As per the Zoning Board of Appeals Decision #08-30, the applicant needs to install fence and/or vegetative screening along the side and/or rear property line in a manner as determined by the Architecture and Community Appearance Board of Review ACABOR #08-18 (Item #2 of ZBA #08-30).
  - 2) The applicant shall apply to and request a review from the Orangetown Traffic Advisory Board, Item #3 of the Zoning Board of Appeals #08-30.
- 5.** The existing sanitary sewer building connection shall be shown on the plans.
- 6.** Iron pins shall be drawn and labeled at each property corner.
- 7.** All existing easements shall be shown on the plan, including page and liber or instrument number, and ownership, if applicable.
- 8.** Drawing #C-101 is missing from the Final Planning Board submission.
- 9.** The datum for the contours shall be given on drawing C-101. Also, a note shall be added to the Site Plan indicating the source benchmark for the referenced datum, including the BM elevation.
- 10.** The Drainage Consultant to the Planning Board recommends acceptance for drainage without conditions. It is our understanding that the impervious area of the developed site will not be increased.
- 11.** The concerns expressed in the February 29, 2008 letter from the Rockland County Department of Highway letter shall be addressed and all required permits obtained.
- 12.** There shall be no net increase in storm water runoff from the site.
- 13.** If 1,000 square feet or more of land will be disturbed, prior to the start of construction or grading, a soil and erosion control plan shall be developed and in place for the entire site that meets the New York State Guidelines for Urban Erosion and Sediment Control.
- 14.** Existing or proposed and extent of new concrete sidewalk shall be clearly specified.
- 15.** A Rockland County Highway Department Work Permit will be necessary for the development of this parcel and shall be secured prior to the start of the proposed construction.

**Interdenominational Christian Fellowship of U.S. Site Plan and Change of Use; Final Approval Subject to Conditions**

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

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

**18. 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.

**19.** 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.

**Interdenominational Christian Fellowship of U.S. Site Plan and Change of Use; Final Approval Subject to Conditions**

**20.** 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.

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

**22.** 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).

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

**24.** 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

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

The foregoing Resolution was made and moved by Anthony Iurica and seconded by Kevin Garvey 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: June 25, 2008**

**Town of Orangetown Planning Board**

**Cheryl Coopersmith, Chief Clerk**