

**TOWN OF ORANGETOWN PLANNING BOARD  
MEETING OF MARCH 10, 2010**

**MEMBERS PRESENT:**

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

**MEMBERS ABSENT:** William Young

**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, Chairperson called the meeting to order at 7:30 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:

**New Item:**

**Doller Subdivision**

Recommendation to the Town Board  
Request for Release of the  
Performance Bond  
74.16/1/3.3; R-40 zoning district

**Recommended  
to the Town Board**

**PB #10-12**

**Continued from January 27, 2010 Meeting:**

**155 Corporate Drive Site Plan**

Prepreliminary/Preliminary Site Plan  
and SEQRA Review  
73.15/1/18 and 73.19/1/1; LIO zoning district

**Continued  
to April 28<sup>th</sup>  
Meeting**

**PB #10-05**

**Continued from February 24, 2010 Meeting:**

**Tappan Free Library Resubdivision Plan**

Prepreliminary/Preliminary/Final  
Resubdivision Plan  
and SEQRA Review  
Tappan Historic Area  
77.11/3/65 & 66; CS zoning district

**Neg. Dec.;  
Continued  
for Referral to  
Town Board**

**PB #10-09**

**Tappan Free Library Site Plan**

Prepreliminary/Preliminary Site Plan  
and SEQRA Review  
Tappan Historic Area  
77.11/3/65 & 66; CS zoning district

**Neg. Dec.;  
Continued  
for Referral to  
Town Board**

**PB #10-10**

**Continued from March 25, 2009 Meeting:**

**Mountainview Properties of  
Rockland, LLC Site Plan**  
Site Plan and Change of Use Plan  
Prepreliminary/Preliminary/Final Site Plan  
and SEQRA Review  
74.07/1/32; LI zoning district

**PB #09-18**

**Preliminary  
Site Plan Approval  
Subject to Conditions  
Neg. Dec.**

The decisions of the February 24, 2010 Planning Board Meeting was reviewed, edited and approved. The motion for adoption was made and moved by Bruce Bond and seconded by Kevin Garvey and carried as follows: Robert Dell, aye; Kevin Garvey, aye; Bruce Bond, aye; Jeffrey Golda, aye; John Foody, aye; Andy Stewart, aye and William Young, absent.

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

Since there was no further business to come before the Board, a motion to adjourn the meeting was made by Kevin Garvey and 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 April 14, 2010.

**DATED: March 10, 2010  
Town of Orangetown Planning Board**

**PB #10-12:  
Doller Subdivision - Recommended to the Town Board to Release of the  
Performance Bond**

**Town of Orangetown Planning Board Decision  
March 10, 2010  
Page 1 of 1**

TO: Ken Doller, 150 Kings Highway, Orangeburg, New York 10962  
FROM: Orangetown Planning Board  
RE: Doller Subdivision Plan: The application Ken Doller, owner, for a Recommendation to the Town Board to Release the Performance Bond for a subdivision known as "**Doller 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 150 Kings Highway, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 74.16, 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, March 10, 2010**, at which time the Board made the following determination:

The Board received the following communications:

1. Project Review Committee Report dated March 3, 2010.
2. Interdepartmental memorandum signed by John Giardiello, P.E., Director of the Office of Building, Zoning and Planning Administration and Enforcement, Town of Orangetown, dated March 10, 2010.
3. Interdepartmental memorandum signed by Ronald Delo, Director, Department of Environmental Management and Engineering, dated January 11, 2010 and James Dean, Superintendent, Town of Orangetown Highway Department dated February 5, 2010.
4. PB #07-65, Extension of Term of Performance Bond, dated November 14, 2007 and PB # 04-129, Recommendation to the Town Board to Establish Value of Performance Bond dated December 8, 2004.

The Board reviewed the request.

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

**RECOMMENDATION:** In view of the foregoing, the Board **Recommended to the Town Board to Release the Performance Bond.**

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.

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

**Dated: March 10, 2010  
Town of Orangetown Planning Board**

**PB #10-09 and #10-10:**

**Tappan Free Library Resubdivision Plan and Site Plan: Neg. Dec.**

**Town of Orangetown Planning Board Decision**

**March 10, 2010**

**Page 1 of 4**

TO: Jane Slavin, R.A., 25 Greenbush Road, Orangeburg, New York  
FROM: Orangetown Planning Board  
RE: Tappan Free Library Resubdivision and Site Plan: The application of Tappan Free Library for Prepreliminary/Preliminary/Final Resubdivision Plan and Prepreliminary/Preliminary Site Review for a site to be known as "**Tappan Free Library Resubdivision and Site Plan**", located in the Tappan Historic District, 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 & 21A of the Code of the Town of Orangetown. The site is located 93 Main Street, Tappan, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 77.11, Block 3, Lot 65 & 66 in the CS zoning district.

Heard by the Planning Board of the Town of Orangetown at meetings held **Wednesday, February 24 and March 10, 2010**, at which time the Board made the following determinations:

**February 24, 2010**

Jane Slavin, Thano Schoppel and David Howe appeared and testified.

The Board received the following communications:

1. Project Review Committee Reports dated February 17, 2010.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated February 24, 2010.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated February 17, 2010.
4. A letter from HDR, signed by Harvey Goldberg, P.E., dated February 5, 2010.
5. A letter from the Rockland County Department of Highways, signed by Sonny Lin, P.E., dated February 8, 2010.
6. Letters from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated February 4, 2010.
7. A letter from Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer II, dated February 22, 2010.
8. A letter from Jane Slavin, R.A., dated December 18, 2009.
9. A Short Environmental Assessment Form signed by Jane Slavin, R.A., dated January 19, 2010.
10. Site Plan prepared by Robert Sorace, PLS dated October 30, 2009.

**PB #10-09 and #10-10:**

**Tappan Free Library Resubdivision Plan and Site Plan: Neg. Dec.**

**Town of Orangetown Planning Board Decision**

**March 10, 2010**

**Page 2 of 4**

The hearing was then opened to the Public. No public comments.

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

Pursuant to New York Code, Rules & Regulations (NYCRR) Section 617.7, the Town of Orangetown Planning Board, as lead agency, for the reasons articulated in this Board’s analysis of all of the submissions by the applicant, interested agencies, departments and the public, with respect to this project including the Environmental Assessment Form, which reasons are summarized in the motion, hereby determines that the proposed action will not have a significant impact on the environment and a Draft Environmental Impact Statement (DEIS) will not be prepared.

After having identified the relevant areas of environmental concern, namely drainage, surface water runoff, land clearing, vegetation, fauna, traffic and noise levels, and after having taken a hard look at said environmental issues, and after having deliberated regarding such concerns, and having heard from the applicant, the applicant’s professional representatives, namely Jane Slavin, R.A. and Robert Sorace, PLS, and the Town of Orangetown’s engineering consultant, Henningson, Durham & Richardson (HDR), and having heard from the following offices, officials and/or Departments: (Town of Orangetown): Project Review Committee, Office of Building, Zoning, Planning Administration and Enforcement and Department of Environmental Management and Engineering; and having heard from following involved and interested agencies: Rockland County Department of Planning, Rockland County Department of Highways, Rockland County Drainage Agency, Rockland County Department of Health, Rockland County Sewer District No. 1 and having reviewed a proposed Resubdivision plan by prepared by Robert Sorace, PLS, a summary of the reasons supporting this determination are, and the Planning Board finds that the proposed action:

**PB #10-09 and #10-10:**

**Tappan Free Library Resubdivision Plan and Site Plan: Neg. Dec.**

**Town of Orangetown Planning Board Decision**

**March 10, 2010**

**Page 3 of 4**

Will not significantly affect existing air quality or noise levels;  
Will not significantly affect existing surface water quality or quantity or drainage;  
Will not significantly affect existing ground water quality or quantity;  
Will not significantly affect existing traffic levels;  
Will not create a substantial increase in solid waste production;  
Will not create a potential for erosion, flooding, leaching or drainage problems;  
Will not have a significant adverse impact on the environmental characteristics of our critical environmental area or environmentally sensitive sites or features;  
Will not have an impairment of the character or quality of important historical, archeological or architectural resources;  
Will not have an impairment of the character or quality of important aesthetic resources;  
Will not have an impairment of existing community or neighborhood character;  
Will not remove or destroy large quantities of vegetation or fauna;  
Will not remove or destroy large quantities of wildlife species or migratory fish;  
Will not have a significant adverse impact to natural resources;  
Is consistent with the Town of Orangetown's Comprehensive/Master Plan;  
Will not have adverse economic or social impacts upon the Town;  
Will not create a hazard to human health; and  
Will not create a substantial change in the use of land, open space or recreational resources.

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

**The applicant requested a CONTINUATION.**

**March 10, 2010**

Jane Slavin, Thano Schoppel and David Howe appeared and testified.

The Board received the following communications:

1. Project Review Committee Reports dated February 17, 2010.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated March 3, 2010.

**The applicant requested a CONTINUATION and was referred to the Town Board in order to resolve the issue of an easement on the property.**

**Dated: March 10, 2010**

**Town of Orangetown Planning Board**

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

**PB #10-09 and #10-10:**

**Tappan Free Library Resubdivision Plan and Site Plan: Neg. Dec.**

**Town of Orangetown Planning Board Decision**

**March 10, 2010**

**Page 4 of 4**

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: Tappan Free Library Resubdivision Plan/Site Plan**

**SEQR STATUS: Type I \_\_\_\_\_ Unlisted XXXXXX**

**CONDITIONED NEGATIVE DECLARATION: Yes \_\_\_\_\_ No XXXXXX**

**DESCRIPTION OF ACTION: Resubdivision Plan/Site Plan Review**

**LOCATION:** The site is located 93 Main Street, Tappan, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 77.11, Block 3, Lot 65 & 66 in the CS zoning district.

**REASONS SUPPORTING THIS DETERMINATION:**

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

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

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

For Further Information contact:

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

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

**PB #09-18:**

**Mountainview Properties of Rockland, LLC Site Plan; Preliminary Site Plan/Change of Use Approval Subject to Conditions; Neg. Dec.**

**Town of Orangetown Planning Board Decision**

**March 10, 2010**

**Page 1 of 11**

TO: Donald Brenner, 4 Independence Avenue, Tappan, New York 10983

FROM: Orangetown Planning Board

RE: **Mountainview Properties of Rockland, LLC Site Plan** a continued item: The application of Mountainview Properties of Rockland, LLC., owner, (Donald Brenner, Attorney) for Prepreliminary/Preliminary/Final Site Plan and Change of Use Review for a site to be known as "**Mountainview Properties of Rockland, LLC 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 is located on the South Side of Mountainview Avenue, 200 feet east of the intersection of Batann Road, at 24 Mountainview Avenue, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 74.07, Block 1, Lot 32 in the LI zoning district.

Heard by the Planning Board of the Town of Orangetown at meetings held **Wednesday, March 25, 2009 and March 10, 2010**, and at which time the Board made the following determinations:

**March 25, 2009**

Donald Brenner appeared and testified for the applicant.

The Board received the following communications:

1. A Project Review Committee Report dated March 18, 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 March 25, 2009.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated March 20, 2009.
4. Letters from the Rockland County Department of Planning, signed by Eileen Miller, dated March 2, 2009 and Salvatore Corallo, Commissioner of Planning, dated March 9, 2009.
5. Letters from Rockland County Highway Department, signed by Joseph Arena, Senior Engineering Technician, dated March 18 & 19, 2009.
6. Letters from the Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated February 17 & March 24, 2009.
7. A letter from the Rockland County Sewer District #1, signed by Joseph LaFiandra, Engineer II, dated March 16, 2009.



**PB #09-18:**

**Mountainview Properties of Rockland, LLC Site Plan; Preliminary Site Plan/Change of Use Approval Subject to Conditions; Neg. Dec.**

**Town of Orangetown Planning Board Decision**

**March 10, 2010**

**Page 2 of 11**

8. Interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by Michael Bettmann, Chief Fire Inspector, dated February 24, 2009.

9. Survey Plan prepared by Robert Rahnefeld, PLS, dated May 20, 2008.

**Public Comments:**

Thomas Finsterwald, 15 Mountainview Avenue, Orangeburg, raised concerns regarding the visual impact to the neighborhood due to the proposed use of the site. He raised issues of traffic, visual and damage to area roadways.

Alison Hoffman, 15 Mountainview Avenue, Orangeburg, held that even though the site is in the LIO zone, the original property was part of farm and the surrounding residential properties need to be taken into consideration when developing the properties.

The application was **CONTINUED**.

**March 10, 2010**

Donald Brenner and Ken DeGennaro appeared and testified for the applicant.

The Board received the following communications:

1. A Project Review Committee Report dated March 3, 2010.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated March 10, 2010.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated March 4, 2010.
4. A letter from HDR, signed by Harvey Goldberg, P.E., dated February 26, 2010.
5. A letter from the Rockland County Department of Planning, signed by Salvatore Corallo, Commissioner of Planning, dated March 8, 2010.
6. A letter from Rockland County Highway Department, signed by Joseph Arena, Senior Engineering Technician, dated March 2, 2010.
7. A letter from the Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated February 5, 2010.
8. A letter from the Rockland County Drainage Agency, signed by Edward Devine, Executive Director, dated February 11, 2010.

**PB #09-18:**

**Mountainview Properties of Rockland, LLC Site Plan; Preliminary Site Plan/Change of Use Approval Subject to Conditions; Neg. Dec.**

**Town of Orangetown Planning Board Decision**

**March 10, 2010**

**Page 3 of 11**

9. A copy of a letter from Brooker Engineering, to Michael Bettmann, Chief Fire Inspector, Bureau of Fire Prevention, Town of Orangetown, dated January 26, 2010, with an attachment of an Interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by Michael Bettmann, Chief Fire Inspector, dated February 24, 2009.

10. A Short Environmental Assessment Form signed by Kenneth Hiep, dated February 6, 2009.

11. Survey Plan prepared by Brooker Engineering, dated December 28, 2009.

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

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

Pursuant to New York Code, Rules & Regulations (NYCRR) Section 617.7, the Town of Orangetown Planning Board, as lead agency, for the reasons articulated in this Board's analysis of all of the submissions by the applicant, interested agencies, departments and the public, with respect to this project including the Environmental Assessment Form, which reasons are summarized in the motion, hereby determines that the proposed action will not have a significant impact on the environment and a Draft Environmental Impact Statement (DEIS) will not be prepared.

After having identified the relevant areas of environmental concern, namely drainage, surface water runoff, land clearing, vegetation, fauna, traffic and noise levels, and after having taken a hard look at said environmental issues, and after having deliberated regarding such concerns, and having heard from the

**PB #09-18:**

**Mountainview Properties of Rockland, LLC Site Plan; Preliminary Site Plan/Change of Use Approval Subject to Conditions; Neg. Dec.**

**Town of Orangetown Planning Board Decision**

**March 10, 2010**

**Page 4 of 11**

applicant, the applicant's professional representatives, namely Donald Brenner, P.E., LLB, and the Town of Orangetown's engineering consultant, Henningson, Durham & Richardson (HDR), and having heard from the following offices, officials and/or Departments: (Town of Orangetown): Project Review Committee, Office of Building, Zoning, Planning Administration and Enforcement and Department of Environmental Management and Engineering; and having heard from the following involved and interested agencies: Rockland County Department of Planning, Rockland County Department of Highways, Rockland County Drainage Agency, Rockland County Department of Health, Rockland County Sewer District No.1 and having reviewed a proposed Site Plan by prepared by Brooker Engineering, dated December 28, 2009, a summary of the reasons supporting this determination are, and the Planning Board finds that the proposed action:

- Will not significantly affect existing air quality or noise levels;
- Will not significantly affect existing surface water quality or quantity or drainage;
- Will not significantly affect existing ground water quality or quantity;
- Will not significantly affect existing traffic levels;
- Will not create a substantial increase in solid waste production;
- Will not create a potential for erosion, flooding, leaching or drainage problems;
- Will not have a significant adverse impact on the environmental characteristics of our critical environmental area or environmentally sensitive sites or features;
- Will not have an impairment of the character or quality of important historical, archeological or architectural resources;
- Will not have an impairment of the character or quality of important aesthetic resources;
- Will not have an impairment of existing community or neighborhood character;
- Will not remove or destroy large quantities of vegetation or fauna;
- Will not remove or destroy large quantities of wildlife species or migratory fish;
- Will not have a significant adverse impact to natural resources;
- Is consistent with the Town of Orangetown's Comprehensive/Master Plan;
- Will not have adverse economic or social impacts upon the Town;
- Will not create a hazard to human health; and
- Will not create a substantial change in the use of land, open space or recreational resources.

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

**PB #09-18:**

**Mountainview Properties of Rockland, LLC Site Plan; Preliminary Site Plan/Change of Use Approval Subject to Conditions; Neg. Dec.**

**Town of Orangetown Planning Board Decision**

**March 10, 2010**

**Page 5 of 11**

A motion was made to reopen the Public Hearing portion of the meeting to discuss the Site Plan Application was made by Kevin Garvey and second by John Foody and carried as follows: Bruce Bond, aye; Andy Stewart, aye; William Young, absent; Robert Dell, aye; John Foody, aye; Jeffrey Golda, aye and Kevin Garvey.

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

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

1. The following note shall be placed on the Site Plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a meeting."
2. The following note shall be placed on the Site Plan regarding Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.
3. The Bulk Table needs to be amended for required side yard of 50 feet, total side yard of 100 feet.
4. The open storage yard is permitted as an additional use under Column 7, item 3 in the Table of General Use Regulations, however the open storage yard shall be screened from adjacent lots and from the street line.
5. The open storage yard shall be within the yard setbacks as established under the LI Zone District.
6. The Site Plan and a Landscape Plan shall be reviewed by the Town of Orangetown Architecture and Community Appearance Board of Review.
7. The Short Environmental Assessment Form appears to be in order.
8. The existing septic system or sanitary house connection location shall be shown on the plan.

**PB #09-18:**

**Mountainview Properties of Rockland, LLC Site Plan; Preliminary Site Plan/Change of Use Approval Subject to Conditions; Neg. Dec.**

**Town of Orangetown Planning Board Decision**

**March 10, 2010**

**Page 6 of 11**

9. The site is located on the south side of Mountainview Avenue approximately 900-ft west of the intersection with NYS Route 303. The 0.72 acre site contains an existing 2-story frame dwelling. The site also contains existing paved driveways and parking areas with access from Mountainview Avenue. The Applicant proposes a change of use from Residential Home Occupation to Container Storage Yard. Drainage calculations have not been provided to the Planning Board's Drainage Consultant.

It appears that the only improvement to the site is the installation of four bollards to protect an existing 250 gallon above ground oil storage tank. No other development that would impact drainage is evident. The Drainage Consultant therefore recommends acceptance for drainage with the condition that no other improvements are proposed.

10. Rockland County Department of Planning had the following comments which are incorporated herein as conditions of approval:

(1) The concerns expressed in the March 18, 2009 letter from the Rockland County Highway Department shall be addressed, an updated review shall be obtained and any required permits shall be obtained.

(2) Landscaping, lighting and signage plans that meet all Town requirements shall be provided. The landscaping plan shall illustrate the manner in which adjacent lots and street line will be screened and buffered, as required by the Town Code for open storage and for LI zones that adjoin or are within 25' of any residential zoning district.

(3) A narrative addressing applicable *Town* regulations would be helpful. Information shall be provided in a narrative, or in another manner, regarding the following:

a. A clarification regarding whether a variance will be needed to the requirements for (1) a 100 feet buffer from residentially zoned land that is adjacent or within 25' (buffer is in addition to any required yards).

b. How the proposed site and use will comply with the general conditional use standards and the standards for contractor's storage yards.

c. In order for the Planning Board to determine whether performance standards will be applicable, information shall be provided regarding the types of equipment and materials to be stored, whether any temporary storage of waste materials that may occur, the hours of operation, whether there will be daily departures and arrivals or outdoor servicing and whether any diesel fueled equipment will be stored on site. This information shall be addressed any potential nuisance impacts such as dust, noise and odor.

**PB #09-18:**

**Mountainview Properties of Rockland, LLC Site Plan; Preliminary Site Plan/Change of Use Approval Subject to Conditions; Neg. Dec.**

**Town of Orangetown Planning Board Decision**

**March 10, 2010**

**Page 7 of 11**

**Continuation of Condition #10.....**

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

(5) There shall be not net increase in storm water runoff from the site.

(6) The Short Environmental Assessment Form that was previously submitted did not appear to contain accurate information in some instances. For example, Item #8 indicates that the proposed action will comply with existing zoning and/or other existing land use restrictions, even though it appears that a number of zoning variances will be needed. Also, Item #9 indicates that the present land use in the vicinity of the project is commercial, even though there are also nearby residential uses. A revised environmental assessment form with complete and accurate information shall be provided.

(7) The Rockland County Department of Planning requests the opportunity to review any zoning variances that may be needed to implement the Site Plan as its required under New York State General Municipal Law Section 239-m(3)(a)(v).

**11.** Based upon the plans and information provided for the project, the Rockland County Department of Highways found that the required action will have a de minimus impact to County Roads in the area.

**12.** The Town of Orangetown Fire Prevention Bureau had the following comments in regards to the change of use from residence to Office/Storage:

Install and maintain an NFPA 72 compliant fire alarm system that transmit in contact ID format.

Submit drawings for proposed alarm system before work commences from approval from the Town of Orangetown Fire Prevention.

Install and maintain portable fire extinguishers according to NFPA 10.

Show Fire Lanes/Fire Zone for Fire Department access and note on the Site Plan.

Install and maintain any signage for Fire Lane/Zone.

Install bollards and spill protection for fuel tank in the rear of the building and maintain proper fire separation.

Apply for and maintain a Certificate of Compliance Fire Safety with Town of Orangetown Fire Prevention Bureau

Install a Key Box and provide key as required.

**PB #09-18:**

**Mountainview Properties of Rockland, LLC Site Plan; Preliminary Site Plan/Change of Use Approval Subject to Conditions; Neg. Dec.**

**Town of Orangetown Planning Board Decision**

**March 10, 2010**

**Page 8 of 11**

**13.** Rockland County Sewer District does not object to the plan as shown. This project does not affect any sanitary sewers within the District and no future correspondence is requested for this site.

**14.** The Rockland County Department of Health reviewed the plan and based on the information provided, there are no Rockland County Health Department approvals needed for this application.

**15.** Based upon the Rockland County Drainage Agency (RCDA) evaluation of available mapping and information submitted, it has been determined that the proposed activity is outside the jurisdiction of the RCDA. Therefore, a permit from the RCDA pursuant to Chapter 846, Rockland County Stream Control Act, is not requested based upon its review of the information provided.

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

- Rockland County Sewer District No. 1
- Rockland County Department of Planning
- Rockland County Department of Highways
- Rockland County Department of Health
- Rockland County Drainage Agency

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

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

**19. 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

**PB #09-18:**

**Mountainview Properties of Rockland, LLC Site Plan; Preliminary Site Plan/Change of Use Approval Subject to Conditions; Neg. Dec.**

**Town of Orangetown Planning Board Decision**

**March 10, 2010**

**Page 9 of 11**

**Continuation of Condition #19....**

Drip line of the Tree Canopy. The method chosen should be based on providing the maximum protection zone possible. A barrier of snow fence or equal is to be placed and maintained one yard beyond the established tree protection zone. If it is agreed that the tree protection zone of a selected tree must be violated, one of the following methods must be employed to mitigate the impact: (1) Light to Heavy Impacts – Minimum of eight inches of wood chips installed in the area to be protected. Chips shall be removed upon completion of work. (2) Light Impacts Only – Installation of  $\frac{3}{4}$  inch of plywood or boards, or equal over the area to be protected. The builder or its agent may not change grade within the tree protection zone of a preserved tree unless such grade change has received final approval from the Planning Board. If the grade level is to be changed more than six (6) inches, trees designated to be preserved shall be welled and/or preserved in a raised bed, with the tree well a radius of three (3) feet larger than the tree canopy.

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

**21.** Prior to the commencement of any site work, including the removal of trees, the applicant shall install the soil erosion and sedimentation control as required by the Planning Board. Prior to the authorization to proceed with any phase of the site work, the Town of Orangetown Department of Environmental Management and Engineering (DEME) shall inspect the installation of all required soil erosion and sedimentation control measures. The applicant shall contact DEME at least 48 hours in advance for an inspection.

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

**23.** 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



**PB #09-18:**

**Mountainview Properties of Rockland, LLC Site Plan; Preliminary Site Plan/Change of Use Approval Subject to Conditions; Neg. Dec.**

**Town of Orangetown Planning Board Decision**

**March 10, 2010**

**Page 10 of 11**

**Continuation of Condition #23....**

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).

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

**25.** 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

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

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

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

**Dated: March 10, 2010**

**Town of Orangetown Planning Board**

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

**PB #09-18:**

**Mountainview Properties of Rockland, LLC Site Plan; Preliminary Site Plan/Change of Use Approval Subject to Conditions; Neg. Dec.**

**Town of Orangetown Planning Board Decision**

**March 10, 2010**

**Page 11 of 11**

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

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

**NAME OF ACTION: Mountainview Properties of Rockland, LLC Site Plan**

**SEQR STATUS: Type I \_\_\_\_\_ Unlisted XXXXXX**

**CONDITIONED NEGATIVE DECLARATION: Yes \_\_\_\_\_ No XXXXXX**

**DESCRIPTION OF ACTION: Site Plan Review**

**LOCATION:** The site is located on the South Side of Mountainview Avenue, 200 feet east of the intersection of Batann Road, at 24 Mountainview Avenue, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 74.07, Block 1, Lot 32 in the LI zoning district.

**REASONS SUPPORTING THIS DETERMINATION:**

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

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

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

For Further Information contact:

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

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