

**Meeting of March 23, 2011
TOWN OF ORANGETOWN PLANNING BOARD**

MEMBERS PRESENT: Kevin Garvey, Chairperson; William Young; Jeffrey Golda; John Foody and Andy Stewart

MEMBERS ABSENT: Robert Dell and Bruce Bond

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

Kevin Garvey, Chairperson called the meeting to order at 7:30 p.m. Mr. Young read the agenda. Hearings as listed on this meeting's agenda which are made a part of these minutes, were held as noted below:

Tracey Subdivision Plan		PB #11-15
Request for a 90 Day Extension to File the Subdivision plat at the Rockland County Clerk's Office 70.18/2/6 R-15 zoning district	Granted Extension	

Comito Construction Subdivision Plan		PB #11-16
Request for a 90 Day Extension to File the Subdivision Plat at the Rockland County Clerk's Office 77.20/1/19; R-15 zoning district	Granted Extension	

Continued from the February 23, 2011 Meeting:

Berezin Goldberg Site Plan		PB #11-10
Prepreliminary/ Preliminary/ Final Site Plan and SEQRA Review Critical Environmental Area 71.13/1/36; R-22 zoning district	Preliminary Site Plan Approval subject to Conditions/ Neg. Dec.	

#622 Route 303 Subdivision Plan		PB #11-17
Recommendation to the Town Board to Establish Value and Term of the Performance Bond 65.14/1/11; LI zoning district	Recommend to the Town Board	

Other Business:

1) Mundt Remediation Plan – PB #11-09: The Board reviewed a report submitted by the applicant entitled "Fred Mundt Remediation Plan". The plan, received in this office on March 15, 2011, noted the site with land area, trees, a house and soils. The Board suggested that the abutting property owners who raised issues at the February 23, 2011 meeting, be contacted to discuss the site

improvements. If the abutting property owners are satisfied, the applicant does not need to return to the Planning Board for review/approval. The Town of Orangetown Office of Building, Zoning and Planning Administration and Enforcement can guide the applicant and review/approve the improvements to the site.

2) Luckhardt Yurt Plan: Section 71.13, Block 1, Lot 34; in the Critical Environmental Area. A Yurt was erected on the lot. The Board reviewed plans and reports and found that since there is no disturbance to the area, no review would be necessary by the Planning Board. The Town of Orangetown Office of Building, Zoning and Planning Administration and Enforcement would review/approve the improvements to the site.

3) The decisions of the March 9, 2011 Planning Board Meeting was reviewed, edited and approved. The motion for adoption was made and moved by William Young and seconded by Jeffrey Golda and carried as follows: Robert Dell, absent; Kevin Garvey, aye; Bruce Bond, absent, Jeffrey Golda, aye; John Foody, aye; Andy Stewart, aye and William Young, aye.

4) The Board selected Bruce Bond as Vice-Chairperson of the Planning Board, and agreed to by all in attendance.

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 9:00 p.m. The next Planning Board meeting is scheduled for April 13, 2011.

DATED: March 23, 2011
Town of Orangetown Planning Board

**PB #11-15: Tracey Subdivision Plan
Granted 1st 90 Day Extension to File the Subdivision with the Rockland
County Clerk's Office; 70.18/2/6; R-15 zoning district**

**Town of Orangetown Planning Board Decision
March 23, 2011**

TO: Donald Brenner, 4 Independence Avenue, New York 10983
FROM: Orangetown Planning Board

RE: **Tracey Subdivision Plan:** The application of Patricia and Michael Tracey, owners, (Donald Brenner, attorney) for the 1st 90 Day Extension to File the Subdivision Plat with the Rockland County Clerk's Office for a subdivision to be known as "**Tracey Subdivision Plan**" in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21 of the Code of the Town of Orangetown. The site is located at 525 Western Highway, Blauvelt, Town of Orangetown, Rockland County, New York and as shown on the Orangetown Tax Map as Section 70.18, Block 2, Lot 6 in the R-15 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, March 23, 2011**, at which time the Board made the following determination:

Donald Brenner and Michael Tracey appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated March 16, 2011.
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 March 23, 2011.
3. An interdepartmental memorandum signed by Bruce Peters, P.E., Department of Environmental Management and Engineering (DEME), Town of Orangetown, dated March 17, 2011.
4. PB #10-43, Reapproval of Final Subdivision Approval Subject to Conditions, dated September 10, 2010; PB #07-42, Final Approval Subject to Conditions, dated June 27, 2007; ZBA #07-32, Street Frontage Variance for Lot #2 and Front Yard Variance for Lot #1, Approved with Conditions, dated April 12, 2007 and PB #06-84, Preliminary Approval Subject to Conditions, dated January 24, 2006.

The Board discussed the 1st 90 Day Extension to file the subdivision plan.

A motion was made to close the Public Hearing portion of the meeting

by Andy Stewart and seconded by William Young and carried as follows:

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

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

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

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

Dated: March 23, 2011; Town of Orangetown Planning Board

**PB #11-16: Comito Construction Subdivision Plan
Granted 1st 90 Day Extension to File the Subdivision with the Rockland
County Clerk's Office; 77.18/2/6; R-15 zoning district**

**Town of Orangetown Planning Board Decision
March 23, 2011**

TO: Jay Greenwell, 85 Lafayette Avenue, Suffern, New York
FROM: Orangetown Planning Board

RE: Comito Construction Subdivision Plan: The application of Jay Greenwell, applicant, for Thomas Scott Holmes, owner, for the 1st 90 Day Extension to file the Subdivision with the Rockland County Clerk's Office for a proposed subdivision to be known as "Comito Construction Subdivision Plan", in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21 of the Code of the Town of Orangetown. The site is located at 762 Route 340; on the West side of Route 340, 150 feet south of the intersection of Oak Tree Road, Palisades, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 77.20, Block 1, Lot 19 in the R-15 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, March 23, 2011**, at which time the Board made the following determination:

The Board received the following communications:

1. Project Review Committee Report dated March 16, 2011.
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 March 23, 2011.
3. An interdepartmental memorandum signed by Bruce Peters, P.E., Department of Environmental Management and Engineering (DEME), Town of Orangetown, dated March 17, 2011.
4. A letter signed by Jay Greenwell, PLS, dated March 7, 2011.
5. PB #10-39, Final Approval Subject to Conditions, dated September 15, 2010.

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

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

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

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

Dated: March 23, 2011; Town of Orangetown Planning Board

**PB #11-10: Berezin Goldberg Site Plan– Preliminary Site Plan Approval
Subject to Conditions/ Neg. Dec.; 71.13/1/36; R-22 zoning district**

Town of Orangetown Planning Board Decision

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TO: Kier Levesque, R.A., 49 3rd Avenue, Nyack, New York, 10960
FROM: Orangetown Planning Board

RE: Berezin Goldberg Site Plan: The application of Marc Berezin, owner, for Prepreliminary/ Preliminary Site Plan review, at a site to be known as “Berezin Goldberg Site Plan”, located in the Critical Environmental Area, 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 at 67 Tweed Boulevard, Upper Grandview, Town of Orangetown, Rockland County, New York and as shown on the Orangetown Tax Map as Section 71.13, Block 1, Lot 36 in the R-22 zoning district.

Heard by the Planning Board of the Town of Orangetown at meetings held, **Wednesdays, February 23 and March 23, 2011** at which time the Board made the following determinations:

February 23, 2011

Marc Berezin, William Bosley and Kier Levesque appeared and testified.

The Board received the following communications:

1. A Project Review Committee Report dated February 16, 2011.
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 23, 2011.
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, 2011.
4. A letter from Maser Consulting, dated February 8, 2011.
5. Letters from Rockland County Department of Planning, signed by Arlene Miller, Deputy Commissioner of Planning, dated February 10, 2011.
6. A letter from Rockland County Department of Highways, signed by Sonny Lin, P.E., dated February 10, 2011.
7. A letter from Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer, dated February 14, 2011.
8. Letters from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated January 18, 2011.

**PB #11-10: Berezin Goldberg Site Plan– Preliminary Site Plan Approval
Subject to Conditions/ Neg. Dec.; 71.13/1/36; R-22 zoning district**

Town of Orangetown Planning Board Decision

March 23, 2011

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9. A letter from the New York State Department of Transportation, signed by Mary Jo Russo, Rockland County Permit Engineer, dated February 18, 2011.
10. A letter from the Town of Orangetown Zoning Board of Appeals, signed by Patricia Castelli, dated January 19, 2011.
11. A Short Environmental Assessment Form signed by Kier Levesque, dated January 6, 2011.
12. A Site Plan prepared by Thomas Skrable, P.E., dated December 1, 2010, last revised December 28, 2010.
13. Architectural Drawings prepared by Fogarty Architecture Design, signed and sealed by Kier Leveque, R.A., dated April 15, 2010 last revised November 23, 2010:
 - Drawing A-101.00 (04 of 8): Floor Plan
 - Drawing A-102.00 (05 of 8): Floor Plan
 - Drawing A-103.00 (06 of 8): Floor Plan
 - Drawing A-501.00 (07 of 8): Floor Plan
 - Drawing A-551.00 (08 of 8): Floor Plan

The applicant requested a **CONTINUATION**.

March 23, 2011

Marc Berezin, William Bosley, Kier Levesque and Tom Skrable appeared and testified.

The Board received the following communications:

1. A Project Review Committee Report dated February 16, 2011.
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 23, 2011.
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, 2011.
4. A memorandum from Maser Consulting, dated March 9, 2011.
5. A letter from Thomas Skrable, P.E., dated March 8, 2011, regarding drainage on the project site.

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

PB #11-10: Berezin Goldberg Site Plan– Preliminary Approval Subject to Subject to Conditions/ Neg. Dec.; 71.13/1/36; R-22 zoning district

Town of Orangetown Planning Board Decision

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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 William Young and seconded by John Foody and carried as follows: Kevin Garvey, aye; Bruce Bond, absent; Andy Stewart, aye; William Young, aye; Robert Dell, absent; John Foody, aye and Jeffrey Golda, 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 Thomas Skrable, P.E., and Kier Leveque, R.A., 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: Town of Orangetown Zoning Board of Appeals, New York State Department of Transportation, Rockland County Department of Planning, Rockland County Department of Highways, Rockland County Department of Health, Rockland County Sewer District #1, and having reviewed a proposed Site Plan by prepared by Thomas Skrable, P.E., dated December 1, 2010, last revised December 28, 2010 and Architectural Drawings prepared by Fogarty Architecture Design, signed and sealed by Kier Leveque, R.A., dated April 15, 2010 last revised November 23, 2010, a summary of the reasons supporting this determination are, and the Planning Board finds that the proposed action:

PB #11-10: Berezin Goldberg Site Plan– Preliminary Approval Subject to Subject to Conditions/ Neg. Dec.; 71.13/1/36; R-22 zoning district

Town of Orangetown Planning Board Decision

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

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."

PB #11-10: Berezin Goldberg Site Plan– Preliminary Approval Subject to Subject to Conditions/ Neg. Dec.; 71.13/1/36; R-22 zoning district

Town of Orangetown Planning Board Decision

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2. The following note shall be placed on the Site Plan regarding Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.
3. The water service shall be shown on the Site Plan.
4. Approval from the Rockland county Department of Health is required for the new septic system.
5. The new driveway entrance requires approval from the Rockland County Highway Department.
6. The Site Plan and House Plans 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 proposed driveway has approximately a 15% slope, therefore, a variance for a driveway over 10%, needs to be sought from the Town of Orangetown Zoning Board of Appeals.
9. Drainage facilities shall be added to the driveway to capture runoff before it flows onto Tweed Boulevard.
10. The applicant is reminded that the sanitary septic system for the lot must be reviewed and approved by the Rockland County Health Department. **Copies of this approval shall be supplied to the Planning Board and DEME prior to signing of the Final Map.**
11. Soil erosion and sediment control plans and details are under review by the Town of Orangetown DEME.
12. The Planning Board's Drainage Consultant has reviewed the plans and letters from the applicant. The March 8, 2011 letter from Thomas Skrable, P.E., certifies that the impervious areas to be removed exceeds the proposed impervious areas and will result in "no net increase in storm water run-off, without the need for detention system." In view of this, and if the comments of the Drainage Consultant's letter dated February 8, 2011 are adequately addressed, the Drainage Consultant to the Planning Board recommends acceptance of the items submitted, and approval subject to conditions as noted in the February 8, 2011 letter, and any other conditions imposed by the Town or other agencies having jurisdiction.

Letter from Maser Consulting, dated February 8, 2011:

The following comments are provided, particularly as they relate to storm drainage:

- Plans shall be reviewed by Rockland County Highway Department (RCHD) with regards to driveway entrance and drainage impact. (Driveway grade shown to be 15% +/-.

PB #11-10: Berezin Goldberg Site Plan– Preliminary Approval Subject to Subject to Conditions/ Neg. Dec.; 71.13/1/36; R-22 zoning district

Town of Orangetown Planning Board Decision

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Continuation of Condition #12.....

- It is recommended that wall and curbing along driveway at entrance to Tweed Boulevard, be moved easterly approximately ten (10) feet to allow for drainage of shoulder and across driveway. Piping across driveway shall be considered. Trench drains at driveway entrance shall be considered.
- Erosion Control provisions during demolition stage shall be indicated.
- Roof leaders and footing drains shall be indicated together with discharge points.
- Slope of ground between dwelling and retaining wall adjacent to pool is very steep. Upper portion of slope will be disturbed during construction. Verification that “sheet” flow directed at pool will not cause erosion problems shall be indicated.
- Elevations of pool and patio shall be provided.
- Plan view calls for area drain to be “PVC” pipe, Catch basin Detail specifies “HDPE” pipe.
- Detail for proposed “pervious walkway” to be provided.
- All utility and service connections shall be indicated.
- All erosion and sediment control to comply with the “New York State Standards & Specifications for Erosion and Sediment Control.”
- Stabilized construction entrance shall be shown the full entrance width.
- It is unclear where the particular inlet filter applies to this project. Detail shall be provided that is applicable to the project.
- Upon submission, any additional items required by the Board, further reviews will be provided.

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

- A review shall be completed by the Rockland County Highway Department and all required permits obtained.
- A review shall be completed by the Rockland County Division of Environmental Resources, and any concerns addressed.
- A review shall be completed by the Rockland County Health Department and all permits required obtained.
- There shall be no net increase in peak rate of stormwater discharge from the site.
- If any variances will be needed to implement the proposed site plan, the Rockland County Department of Planning requests the opportunity to review the proposed variances, as required by New York State General Municipal Law, Section 239-m(3)(v).

PB #11-10: Berezin Goldberg Site Plan– Preliminary Approval Subject to Subject to Conditions/ Neg. Dec.; 71.13/1/36; R-22 zoning district

Town of Orangetown Planning Board Decision

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14. The Rockland County Department of Highways reviewed the Site Plan and offered the following remarks for consideration:

- 1) It is recommended an existing condition drawing be generated separately from the proposed site plan.
- 2) Dedicated street line along Tweed Boulevard should be shown on the drawings. The applicant shall consider an offer of gratuitous dedication to the County of Rockland for the area between the designated street line and the right of way line along Tweed Boulevard.
- 3) The maximum available sight distance to the east and west for the access along Tweed Boulevard shall be shown on the drawings.
- 4) Limit the driveway slope to 2% maximum slope for the first 30 feet of the driveway entrance.
- 5) Soil erosion and sediment control measures shall be shown on the drawings to satisfy storm water requirements.
- 6) A temporary traffic control plan shall be developed and submitted to Rockland County Department of Highways for review and approval.
- 7) A road profile of Tweed Boulevard East edge of pavement should be shown on the drawings.
- 8) Any existing wetland boundary should be delineated on the drawings.
- 9) This property is located on an environmentally sensitive area above State Route 9W; a New York State Department of Transportation concurrence for the proposed development will be required prior to any construction on the site.
- 10) Part of an existing stonewall off Tweed Boulevard should be shown as to be removed. Any proposed drop inlets and associated pipes or other drainage structures should be shown on the drawings.
- 11) A note should be added to address the applicant's responsibility for repair of damages in the County road right of way that may result from the proposed construction.
- 12) A Rockland County Highway Department Work permit will be required for the proposed development.
- 13) Additional Rockland County Highway Department road opening permit will be required for any utility connections within the county highway.
- 14) A drainage maintenance fee of \$500.00 will be imposed on this site plan. This fee is refundable once the final drainage structures and site grading have been completed. Should the County Highway Department Work forces be required to mitigate any potential hazards created along or within the county roadway during construction, the County Highway Department cost will be subtracted from the drainage maintenance fee.

PB #11-10: Berezin Goldberg Site Plan– Preliminary Approval Subject to Subject to Conditions/ Neg. Dec.; 71.13/1/36; R-22 zoning district

Town of Orangetown Planning Board Decision

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15. The Rockland County Department of Health (RCDOH), Environmental Health Program reviewed the Site Plan and offered the following comment:

- Submission of plans for approval of the subsurface disposal system shall be submitted to this office. Submittal has not yet been made.
- The existing water service is to be shown on the Plans.
- Submission of plans for the approval of the subsurface disposal system had not be done as of date, and needs to be made to the RCDOH.

16. 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.

17. The New York State Department of Transportation reviewed the project as shown on the plans and feels the project will have not significant impact on the state transportation system.

18. 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 Health Department
- Town of Orangetown Zoning Board of Appeals
- Rockland County Sewer District #1
- Rockland County Department of Highways
- New York State Department of Transportation

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

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

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

PB #11-10: Berezin Goldberg Site Plan– Preliminary Approval Subject to Subject to Conditions/ Neg. Dec.; 71.13/1/36; R-22 zoning district

Town of Orangetown Planning Board Decision

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Continuation of Condition #21.....

- 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 truck 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.

22. 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.

23. 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.

PB #11-10: Berezin Goldberg Site Plan– Preliminary Approval Subject to Subject to Conditions/ Neg. Dec.; 71.13/1/36; R-22 zoning district

Town of Orangetown Planning Board Decision

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

25. 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).

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

27. 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

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

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

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

Dated: March 23, 2011

Town of Orangetown Planning Board

attachment

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

**PB #11-10: Berezin Goldberg Site Plan– Preliminary Approval Subject to
Subject to Conditions/ Neg. Dec.; 71.13/1/36; R-22 zoning district**

**Town of Orangetown Planning Board Decision
March 23, 2011**

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: Berezin Goldberg Site Plan

SEQR STATUS: Type I _____ Unlisted XXXXXX

CONDITIONED NEGATIVE DECLARATION: Yes _____ No XXXXXX

DESCRIPTION OF ACTION: Site Plan Review – Critical Environmental Area

LOCATION: The site is located at 67 Tweed Boulevard, Upper Grandview, Town of Orangetown, Rockland County, New York and as shown on the Orangetown Tax Map as Section 71.13, Block 1, Lot 36 in the R-22 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 #11-17: #622 Route 303 Site Plan – Performance Bond
Recommendation to the Town Board**

**Town of Orangetown Planning Board Decision
March 23, 2011
Page 1 of 2**

TO: Steven Grogg, P.E., McLaren Engineering, 100 Snake Hill
Road, West Nyack, New York 10994
FROM: Town of Orangetown Planning Board

RE: #622 Route 303 Performance Bond: The application of SunCap Properties, LLC, applicant, for Joseph Appleman, owner, (Montalbano, Condon & Frank, attorneys for the applicant) for Recommendation to the Town Board to Establish the Value and Term of the Performance Bond, at a site to be known as “622 Route 303 Subdivision Plan”, in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21 of the Code of the Town of Orangetown. The site is located at 622 Route 303, Blauvelt, Town of Orangetown, Rockland County, New York, and as on the Orangetown Tax Map as Section 65.14, Block 1, Lot 11 in the LI zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, March 23, 2011**, at which time the Board made the following determinations:

Brian Quinn and Brian Spray appeared and testified for the applicant.

The Board received the following communications:

1. An interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated March 18, 2011.

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

RECOMMENDATION: In view of the foregoing, the Planning Board **RECOMMENDS TO THE TOWN OF ORANGETOWN TOWN BOARD** that the value and term of the Performance Bond be established in accordance with the Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated March 18, 2011.

**PB #11-17: #622 Route 303 Site Plan – Performance Bond
Recommendation to the Town Board**

**Town of Orangetown Planning Board Decision
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The 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 March 18, 2013, and Subject to the Following Conditions:

<u>ITEM</u>	<u>COST</u>
Concrete Curbing	\$ 11,375.00
Concrete Sidewalks	9,275.00
Handicap Curb Ramps	4,000.00
Traffic Signal	150,000.00
Monuments	6,650.00
Iron Pins	1,350.00
As-Built Drawings	9,000.00
Soil Erosion & Sediment Control	342,900.00
Sanitary Sewers	276,390.00
<u>Sub-Total</u>	<u>\$ 810,940.00</u>
Administrative Close-out	
(10% of Sub-Total)	\$ 81,094.00
<u>Total Bond</u>	<u>\$ 892,034.00</u>

Inspection Fee (3% of Sub-Total) \$ 24,328.20

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

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

Dated: March 23, 2011

Planning Board Town of Orangetown

