

**Meeting of March 9, 2011
TOWN OF ORANGETOWN PLANNING BOARD**

MEMBERS PRESENT:

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

MEMBERS ABSENT: None

ALSO PRESENT: Bert von Wurmb, 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

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:

New Items:

Andrasko Remediation Plan

Prepreliminary/ Preliminary/ Final
Remediation Plan Review
and SEQRA

Critical Environmental Area
66.17/1/2; R-22 zoning district

**Final Remediation Plan
Approval Subject to
Conditions/ Neg. Dec.**

PB #11-12

Nolan Monument Site Plan

Prepreliminary/Preliminary Site Plan
and SEQRA Review

74.07/1/7; CC zoning district

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

PB #11-13

**Zugibe and Holt In-Ground
Pool Site Plan**

Final Site Plan Review
Critical Environmental Area

70.08/1/5; R-40 zoning district

**Final Site Plan
Approval Subject
to Conditions**

PB #11-14

Other Business:

The Board had a moment of silence for Edward F. Devine, past Deputy Town Attorney for the Town of Orangetown. Ed passed away on February 11, 2011 after a long battle with pancreatic cancer. Most recently, Ed served as the Director of the Rockland County Drainage Agency.

March 23, 2011 Planning Board Meeting

The decisions of the February 23, 2011 Planning Board Meeting was reviewed, edited and approved. The motion for adoption was made and moved by William Young and seconded by John Foody 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, aye.

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

Since there was no further business to come before the Board, a motion to adjourn the meeting was made by Kevin Garvey and seconded by Bruce Bond and agreed to by all in attendance. The meeting was adjourned at 8:35 p.m. The next Planning Board meeting is scheduled for March 23, 2011.

DATED: March 9, 2011
Town of Orangetown Planning Board

**PB #11-12: Andrasko Remediation Plan – Final Remediation Plan Approval
Subject to Conditions/ Neg. Dec.**

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TO: Scott Andrasko, 250 South Boulevard, Upper Grandview,
New York, 10960

FROM: Orangetown Planning Board

RE: Andrasko Remediation Plan: The application of Scott Andrasko, owner, for Prepreliminary/ Preliminary/ Final Remediation Plan review, at a site to be known as “Andrasko Remediation 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 250 South Boulevard, Upper Grandview, Town of Orangetown, Rockland County, New York and as shown on the Orangetown Tax Map as Section 66.17, Block 1, Lot 2 in the R-22 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **March 9, 2011** at which time the Board made the following determinations:

Scott Andrasko appeared and testified.

The Board received the following communications:

1. A Project Review Committee Report dated March 2, 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 March 9, 2011.
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, 2011.
4. Letters from Rockland County Department of Planning, signed by Arlene Miller, Deputy Commissioner of Planning, dated February 7 & 10, 2011.
5. Letters from the Rockland County Department of Highways, signed by Joseph Arena, January 25 & 26, 2011.
6. A letter from Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer, dated January 31, 2011.
7. Letters from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated January 12, 2011.
8. A letter from the Town of Orangetown Zoning Board of Appeals, signed by Patricia Castelli, dated January 19, 2011.
9. A Short Environmental Assessment Form signed by Scott Andrasko, dated December 28, 2010.

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10. Photographs of the Project Site, noting the repair of the retaining wall and patio.

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, aye; Andy Stewart, aye; William Young, aye; Robert Dell, aye; John Foody, aye and Jeffrey Golda, aye.

The proposed action is classified as an “unlisted action” as defined by Section 617.2 (ak) of the New York State Environmental Quality Review Regulations (SEQRR). No agency, other than the Orangetown Planning Board will have any significant involvement in the review process, pursuant to Section 617.6 of SEQRA. On motion by Bruce Bond and seconded by William Young and carried as follows: Kevin Garvey, aye; Bruce Bond, aye; Andy Stewart, aye; William Young, aye; Robert Dell, aye; 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, 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, Rockland County Department of Planning, Rockland County Department of Highways, Rockland County Department of Health, Rockland County Sewer District #1, and having reviewed the photographs and drawings presented of the Site, a summary of the reasons supporting this determination are, and the Planning Board finds that the proposed action:

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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 Bruce Bond and seconded by Jeffrey Golda and carried as follows: Kevin Garvey, aye; Bruce Bond, aye; Andy Stewart, aye; Robert Dell, aye; 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 FINAL REMEDIATION PLAN APPROVAL SUBJECT TO THE FOLLOWING CONDITIONS:**

1. The Short Environmental Assessment Form appears to be in order.
2. The applicant had started clearing some brush on the property, removing stones from the retaining wall and putting patio blocks down during the summer of 2010. The work performed was in the Critical Environmental Area, however, the actual land disturbance was on the level portion of the property. The existing grades of the property were not changed. Since the work was begun, the Building Department allowed the applicant to stabilize the exposed soil for the retaining wall and patio area. This application is here to obtain approval to complete the work that was started.

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3. The retaining wall shall not exceed 150 feet long. In the event the Town of Orangetown Building Department finds that the wall exceeds a reasonable length, the Building Department has the authority to place a Stop Work Order on the site.

4. The Patio on the site shall not exceed 130 square feet, as noted on the presented photograph at the Planning Board Meeting of March 9, 2011.

5. The Town of Orangetown Building Department shall be satisfied with the integrity of the retaining wall and the drainage on site. Both the wall and drainage are subject to the Building Department review and approval.

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

- The subject request is for approval of work already completed. If this is the case, the Town shall be satisfied that appropriate remediation was satisfactorily Completed.
- The Town shall be satisfied that the work completed has not resulted in any net increase in the peak rate of stormwater discharge from the site.

7. Rockland County Department of Highways reviewed the submission and based upon the material provided, the Rockland County Highway Department found the proposed action will have no foreseeable adverse impact upon County Roads in the area.

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

9. The Rockland County Department of Health (RCDOH), Environmental Health Program reviewed the submission and no approvals from the Rockland County Health Department are necessary for this application.

10. 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

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The foregoing Resolution was made and moved by Bruce Bond, seconded by William Young and carried as follows: Kevin Garvey, aye; Bruce Bond, aye; Andy Stewart, aye; William Young, aye; John Foody, aye; Robert Dell, aye 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 9, 2011

Town of Orangetown Planning Board

Attachment

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

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

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

NAME OF ACTION: Andrasko Remediation Plan

SEQR STATUS: Type I _____ Unlisted XXXXXX

CONDITIONED NEGATIVE DECLARATION: Yes _____ No XXXXXX

**DESCRIPTION OF ACTION: Remediation Plan Review – Critical
Environmental Area**

LOCATION: The site is located at 250 South Boulevard, Upper Grandview, Town of Orangetown, Rockland County, New York and as shown on the Orangetown Tax Map as Section 66.17, Block 1, Lot 2 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 #11-13: Nolan Monument Site Plan– Preliminary Site Plan Approval
Subject to Conditions/ Neg. Dec.**

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TO: Jay Greenwell, 85 Lafayette Avenue, Suffern, New York 10901
FROM: Orangetown Planning Board

RE: Nolan Monument Site Plan: The application of Nolan Monuments, applicant, for 508 Route 303 Realty, LLC, owner, for Prepreliminary/ Preliminary Site Plan Review for a site to be known as “Nolan Monument 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 at 508 Route 303, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 74.07, Block 1, Lot 7 in the CC zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, March 9, 2011**, the Board made the following determinations:

Jay Greenwell and Dan Nolan appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated March 2, 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 March 9, 2011.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., March 4, 2011.
4. Letters from the Rockland County Department of Planning, signed by Eileen Miller, dated March 1, 2011 and Arlene Miller, Deputy Commissioner of Planning, dated March 3, 2011.
5. A letter from the Rockland county Department of Highways, signed by Joseph Arena, Principal Engineering Technician, dated March 8, 2011.
6. Letters from the Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated February 16, 2011.
7. Letters from the Rockland County Drainage Agency, signed by Shajan Thottakara, P.E., dated February 18, 2011 and September 20, 2010.
8. A letter from the Bureau of Fire Prevention, Town of Orangetown, signed by Michael Bettmann, Chief, dated February 7, 2011.
9. A letter from the Town of Orangetown Zoning Board of Appeals, signed by Patricia Castelli, dated February 2, 2011.

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10. A letter from the New York State Department of Transportation, signed by Mary Jo Russo, Rockland County Permit Engineer, dated March 9, 2011.
11. Plans prepared by Jay Greenwell, PLS, LLC, and dated July 7, 2010:
 - Site Plan, revised January 10, 2011.
 - Details
12. A letter signed by Jay Greenwell, PLS, dated January 24, 2011.
13. A Drainage Summary of Nolan Monuments, prepared by Jay Greenwell, PLS, LLC., dated January 24, 2011, with an attachment of a letter from Lawler, Matusky & Skelly Engineers, signed by Harvey Goldberg, P.E., dated March 3, 2003, entitled "Rydes Unlimited (74.07/1/7).
14. A copy of the Application for Building Permit, dated January 13, 2011.
15. A copy of PB# 10-44, Consultation, dated September 29, 2010.
16. A Short Environmental Assessment Form, dated January 3, 2011, signed by Dan Nolan.

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

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

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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 Jay Greenwell, PLS, and the Town of Orangetown's engineering consultant, 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, Bureau of Fire Prevention; and having heard from the following involved and interested agencies: Town of Orangetown Zoning Board of Appeals, Rockland County Department of Planning, Rockland County Department of Highways, Rockland County Department of Health, and having reviewed a proposed Site Plan by prepared by Jay Greenwell, PLS, 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.

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On motion by Bruce Bond and seconded by Andy Stewart and carried as follows: Kevin Garvey, aye; Bruce Bond, aye; Andy Stewart, aye; Robert Dell, aye; 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."
2. 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. Place an earthen berm at least 18 inches high in the landscaped area contiguous to Route 303.
4. A Special Permit from the Town of Orangetown Zoning Board of Appeals is required for "Other Retail/Service". (CC Zone District, Column 3, refers to CS Zone District, Column 3, Item #8, Zoning Board).
5. A twenty-five foot wide vegetative buffer is required along the property line adjacent to the right of way of Route 303. The applicant has an existing "zero" buffer and needs the Zoning Board of Appeals to review and approve. (Section 13.10, "Non-Residential Areas", B.(2)).
6. The applicant is proposing a light fixture on the right of way line that forms Route 303. Lighting fixtures shall not be permitted on the right of way line of Route 303 or within the twenty-five foot vegetative buffer. (Section 13.10, "Non Residential Area", B.(4)).
7. Outside storage for retail sale is prohibited. (Section 13.10. "Non-Residential Areas", B.(4)).

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8. Not more than 35% of all parking shall be located in the front yard and all parking is shown within the front yard. (Section 13.10, “Non-Residential Areas”, B. (10).

9. The applicant shall indicate that “to the extent feasible” Section 13.10, “Non-Residential Areas”, B. (11) has been taken into consideration. Please note the curb cuts for this property currently exist.

10. A fence details shall be provided for the proposed stockade fence.

11. The Short Environmental Assessment Forms appears to be in order.

12. The applicant shall provide documentation demonstrating that the current plan either proposes a zero increase in impervious are or a reduction in impervious area.

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 New York State Department of Transportation (NYSDOT) and any required permits obtained. In particular, the NYSDOT should review:

(a) The two proposed one-way signs at the south driveway that are located in the state right of way,

(b) Determine if the two proposed “Do Not Enter” signs at the north driveway are sufficient or if there is a need for one-way signs to be placed there as well at the south driveway, and

(c) Determine if “No Left Turn” signs should be placed along Route 303, to deter drivers from entering the site from the northbound lane of Route 303 and from exiting the site to proceed northbound on Route 303.

- As indicated in the September 20, 2010 letter from the Rockland County Drainage Agency, a permit must be obtained from that agency.

- There shall be no net increase in peak rate of storm water discharge from the site.

- The site plan indicates the presence of a floodlight on the south side of the northern curb cut. This light, installed by the electric power company, is intended to light the parking lot of the subject site. Since the applicant is proposing three new parking lot lights, an evaluation shall be made as to whether the existing floodlight is needed. If it is not needed, it shall be removed.

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Continuation of Condition #13...

- The signage and landscaping plans shall meet all Town requirements.
- 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.
- The proposed plans shall comply with the Route 303 Overlay Zone to the extent applicable.
- 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).

14. The Rockland County Department of Highways reviewed the material provided and found the proposed action will have no foreseeable adverse impact upon County roads in the area.

15. Application is to be made to the Rockland County Department of Health for review of the Stormwater Management system for compliance with the County Mosquito Code.

16. Based upon the Rockland County Drainage Agency (RCDA) evaluation of available mapping and information submitted, it has been determined that the proposed activity is within the jurisdiction of the RCDA. Therefore, a permit from the RCDA pursuant to Chapter 846, Rockland County Stream Control Act, is required. Accordingly, a permit from the RCDA pursuant to the Rockland County Stream Control Act, Chapter 846, is required.

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

- In regard to the new use at 508 Route 303, an NFPA 72 compliant Fire Alarm System with plans signed and sealed shall be approved by the Bureau prior to the start of construction.
- Emergency lighting shall be required.
- Portable Fire Extinguishers shall be required in accordance with NFPA 10.
- A Key Box shall be provided.
- No parking in front of the building. The Site Plan shall be revised.

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18. The New York State Department of Transportation has reviewed the plans and offered the following comments:

- 1) The conceptual layout of the driveway has been accepted.
- 2) The width of the driveways shall be reduced to 18 feet and the outside radii shall be changed to NYSDOT standard 25 feet.
- 3) The back to back "One Way", R6-1L and R6-1R signs shall be placed on each side of both driveways. They are presently shown only on the egress. The signs shall be labeled with the size and Federal MUTCD number. A note shall be added stating that they shall be mounted on breakaway sign posted in accordance with Section 645 on the NYSDOT standard Specifications.
- 4) A driveway profile shall be shown for both driveways.
- 5) The 1 ½ inch top course shall be milled and repaved after the installation of the curb.
- 6) A note shall be added to the plans stating that all drainage structures in the NYSDOT right of way shall be fabricated by a NYSDOT approved source.
- 7) Comments will be provided by the NYSDOT Landscape Office upon receipt.

19. 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 Department of Highways

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

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

22. 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:

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Continuation of Condition #22...

- a. No construction equipment shall be parked under the tree canopy.
- b. There will be no excavation or stockpiling of earth underneath the trees.
- c. Trees designated to be preserved shall be marked conspicuously on all sides at a 5 to 10 foot height.
- d. The Tree Protection Zone for trees designated to be preserved will be established by one of the following methods:
 - One (1) foot radius from trunk per inch DBH
 - Drip line of the Tree Canopy. The method chosen should be based on providing the maximum protection zone possible. A barrier of snow fence or equal is to be placed and maintained one yard beyond the established tree protection zone. If it is agreed that the tree protection zone of a selected tree must be violated, one of the following methods must be employed to mitigate the impact:
 - Light to Heavy Impacts – Minimum of eight inches of wood chips installed in the area to be protected. Chips shall be removed upon completion of work.
 - Light Impacts Only – Installation of $\frac{3}{4}$ inch of plywood or boards, or equal over the area to be protected.

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

23. 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.

24. 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 #11-13: Nolan Monument Site Plan– Preliminary Site Plan Approval
Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision
March 9, 2011
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25. The contractor's trailer, if any is proposed, shall be located as approved by the Planning Board.

26. 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).

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

28. 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

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

The foregoing Resolution was made and moved by Bruce Bond, seconded by William Young and carried as follows: Kevin Garvey, aye; Bruce Bond, aye; Andy Stewart, aye; William Young, aye; John Foody, aye; Robert Dell, aye 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 9, 2011
Town of Orangetown Planning Board
attachment

NEGATIVE DECLARATION

Notice of Determination of Non-Significance

Nolan Monument Site Plan– Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec.

Town of Orangetown Planning Board Decision

March 9, 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: Nolan Site Plan

SEQR STATUS: Type I _____ Unlisted XXXXXX

CONDITIONED NEGATIVE DECLARATION: Yes _____ No XXXXXX

DESCRIPTION OF ACTION: Site Plan Review

LOCATION: The site is located at 508 Route 303, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 74.07, Block 1, Lot 7 in the CC 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 #11-14: Zugibe and Holt In- Ground Pool Site Plan – Final Site Plan
Approval Subject to Conditions/ Critical Environmental Area**

Town of Orangetown Planning Board Decision

March 9, 2011

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TO: John Atzl; Atzl, Scatassa & Zigler, 234 North Main Street,
New City, New York 10956
FROM: Orangetown Planning Board

RE: Zugibe and Holt In-Ground Pool Site Plan: Application of Jack Holt, applicant, for Patricia Zugibe and Jack Holt, owners, for Final Site Plan Review for a site known as “Zugibe and Holt In-Ground Pool 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. The site is located at 1 North Tweed Boulevard, Upper Grandview, Town of Orangetown, Rockland County, New York; and as shown on the Orangetown Tax Map as Section 70.08, Block 1, Lot 5; in the R-40 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **March 9, 2011** at which time the Board made the following determinations:

Patricia Zugibe, Jack Holt and John Atzl appeared and testified.

The Board received the following communications:

1. A Project Review Committee Report dated March 2, 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 March 9, 2010.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering, (DEME) Town of Orangetown, signed by Bruce Peters, P.E., March 4, 2010.
4. A letter from HDR, signed by Michael Murphy, P.E., Vice President, dated February 11, 2011 with attachments.
5. A letter from the Rockland County Department of Planning, signed by Arlene Miller, Deputy Commissioner of Planning, dated March 3, 2011.
6. A letter from Rockland County Department of Highways, signed by Joseph Arena, Principal Engineering Technician, dated March 4, 2011.
7. A letter from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated February 16, 2011.
8. A letter from the Palisades Interstate Park Commission, signed by Karl B. Roecher, Landscape Architect, dated March 2, 2011.
9. Site Plan prepared by Atzl, Scatassa & Zigler, P.C., dated October 5, 2010, revised January 24, 2011.

**PB #11-14: Zugibe and Holt In-Ground Pool Site Plan – Final Site Plan
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Town of Orangetown Planning Board Decision

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10. A letter from Atzl, Scatassa & Zigler, signed by Ray Ahmadi, Ph.D. & P.E., dated January 21, 2011.

11. Copies of the following Board Decisions: PB #10-54, Preliminary Site Plan Approval Subject to Conditions, dated November 10, 2010 and ZBA #11-01, Side Yard Variance Approved, dated January 5, 2011.

12. A letter signed by abutting property owners, Noreen & Peter Wistreich, Arlene Lederman Visakay & Stephen Visakay and Dorothy & Joseph Perani, dated March 8, 2011.

The Board reviewed the plan.

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

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

1. The following note shall be placed on the Site Plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a meeting."

2. The following note shall be placed on the Site Plan regarding Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.

3. The applicant shall comply with all pertinent and applicable conditions of previous Board Decisions: PB #10-54, Preliminary Site Plan Approval Subject to Conditions, dated November 10, 2010 and ZBA #11-01, Side Yard Variance Approved, dated January 5, 2011.

**PB #11-14: Zugibe and Holt In-Ground Pool Site Plan – Final Site Plan
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Town of Orangetown Planning Board Decision

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4. The engineer's response to drainage questions is under review by DEME.
5. The Applicant proposes to construct a concrete pool and patio in the rear of the dwelling. A single Drawing No. 1, dated October 5, 2010 has been submitted. The drawing indicates that the proposed pool and patio (1,126SF) will be constructed above an existing rock outcrop such that the increase in impervious area will be 371SF.
6. The Drainage Consultant to the Planning Board recommends acceptance for drainage subject to the following condition:
 - The plans show that runoff overtopping the second (lower) retaining wall will drop seven(7) feet onto the back yard area. Over time, the runoff can potentially scour and erode the low side of this wall, which would make the retaining wall unstable.
 - The proposed seven-foot high wall will act as a second waterfall, not a level spreader. The land gradient on this site is very steep, and extreme care shall be taken to protect the slopes. Located directly downhill from the site exists other developed residential lots. Proper armoring at the base of the seven-foot high waterfall shall be provided. The applicant shall provide proper erosion control for the low side of the second (lower) retaining wall to ensure the long term stability of the proposed retaining wall system.
 - Additional conditions may be added based on response to these conditions.
7. 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 any required permits obtained.
 - Prior to the start of construction or grading, a soil and erosion control plan shall be developed in place for the entire site that meets the New York State Guidelines for Urban Erosion and Sediment Control.
 - There shall be no net increase in stormwater runoff.
8. The Rockland County Department of Highway reviewed the plans and information provided and offers the following comments for consideration:
 - Due to the steep narrow driveway and the proximity of the southern property line in relationship to the house structures and location of the pool, the applicant shall provide details of how access to the site will be obtained to allow for construction vehicles, equipment, removal of soil etc. associated with the installation of the pool.

**PB #11-14: Zugibe and Holt In-Ground Pool Site Plan – Final Site Plan
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Continuation of Condition #8...

- An anti-tracking pad/ Temporary Construction Entrance shall be provided and demonstrated on the plan.

-Two-way bidirectional traffic must be maintained at all times along the County Highway during construction. A flagman may be required while vehicles enter and exit the site depending upon how the site is accessed.

- The applicant shall be responsible to repair and restore any damage that may occur to the shoulder or ditch line along Tweed Boulevard that may result from vehicles, heavy equipment, or staging of vehicles during construction.

- A Rockland County Highway Department Work Permit will be required for the proposed construction, in addition to any and all permits required by the local municipality and various involved governmental agencies, and must be secured prior to the start of any excavation or construction on site.

9. Based upon 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 the Rockland County Stream Control Act, Chapter 846, is not requested based upon our review of the information provided.

10. The Rockland County Department of Health reviewed the Site Plan and other documentation provided and found there are no Rockland County Health Department approvals required for this application.

11. The Palisades Interstate Park Commission (PIPC) is in receipt of a site plan prepared by Atzl, Scatassa & Zigler, last revised January 24, 2011. As the applicant has received the requested side yard variance, the PIPC have no further comment and feel the application should be left for local determination.

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

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

**PB #11-14: Zugibe and Holt In-Ground Pool Site Plan – Final Site Plan
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**Town of Orangetown Planning Board Decision
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14. TREE PROTECTION: The following note shall be placed on the Site Plan: The Tree Protection and Preservation Guidelines adopted pursuant to Section 21-24 of the Land Development Regulations of the Town of Orangetown will be implemented in order to protect and preserve both individual specimen trees and buffer area with many trees. Steps that will be taken to reserve and protect existing trees to remain are as follows:

- a. No construction equipment shall be parked under the tree canopy.
 - b. There will be no excavation or stockpiling of earth underneath the trees.
 - c. Trees designated to be preserved shall be marked conspicuously on all sides at a 5 to 10 foot height.
 - d. The Tree Protection Zone for trees designated to be preserved will be established by one of the following methods:
 - One (1) foot radius from trunk per inch DBH
 - Drip line of the Tree Canopy. The method chosen should be based on providing the maximum protection zone possible. A barrier of snow fence or equal is to be placed and maintained one yard beyond the established tree protection zone. If it is agreed that the tree protection zone of a selected tree must be violated, one of the following methods must be employed to mitigate the impact:
 - Light to Heavy Impacts – Minimum of eight inches of wood chips installed in the area to be protected. Chips shall be removed upon completion of work.
 - Light Impacts Only – Installation of $\frac{3}{4}$ inch of plywood or boards, or equal over the area to be protected.
- The builder or its agent may not change grade within the tree protection zone of a preserved tree unless such grade change has received final approval from the Planning Board. If the grade level is to be changed more than six (6) inches, trees designated to be preserved shall be welled and/or preserved in a raised bed, with the tree well a radius of three (3) feet larger than the tree canopy.

15. 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.

**PB #11-14: Zugibe and Holt In-Ground Pool Site Plan – Final Site Plan
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Town of Orangetown Planning Board Decision

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16. 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.

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

18. 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).

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

20. 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

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

The foregoing Resolution was made and moved by William Young, seconded by Bruce Bond and carried as follows: Kevin Garvey, aye; Bruce Bond, aye; Andy Stewart, aye; William Young, aye; John Foody, recused; Robert Dell, aye; 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 9, 2011

Town of Orangetown Planning Board