

Meeting of May 11, 2011
TOWN OF ORANGETOWN PLANNING BOARD

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

MEMBERS ABSENT: None

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

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:

Dansker Site Plan

Prepreliminary/ Preliminary Site
and SEQRA Review
Critical Environmental Area
71.09/1/34; R-22 zoning district

PB #11-11

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

The decisions of the April 27, 2011 Planning Board Meeting was reviewed, edited, and approved. The motion for adoption was made and moved by Jeffrey Golda and seconded by Bruce Bond 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 Jeffrey Golda and seconded by Bruce Bond and agreed to by all in attendance. The meeting was adjourned at 8:00 p.m. The next Planning Board meeting is scheduled for May 25, 2011.

DATED: May 11, 2011
Town of Orangetown Planning Board

PB #11-11: Dansker Site Plan (Cabana) Preliminary Approval Subject to Conditions/ Neg. Dec.

Town of Orangetown Planning Board Decision

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TO: Donald Brenner, Esq., 4 Independence Avenue, Tappan,
New York, 10960

FROM: Orangetown Planning Board

RE: Dansker Site Plan: The application of Brad Dansker, owner, for Prepreliminary/ Preliminary Site Plan review, at a site known as "Dansker 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 7 Treeline Terrace, Upper Grandview, Town of Orangetown, Rockland County, New York and as shown on the Orangetown Tax Map as Section 71.09, Block 1, Lot 34 in the R-22 zoning district.

Heard by the Planning Board of the Town of Orangetown at meetings held **February 23 and May 11, 2011** at which time the Board made the following determinations:

February 23, 2011

Brad Dansker and Donald Brenner 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 Rockland County Department of Planning, signed by Arlene Miller, Deputy Commissioner of Planning, dated February 17, 2011.
5. Letters from the Rockland County Department of Highways, signed by Joseph Arena, February 7 & 9, 2011.
6. A letter from Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer, dated February 14, 2011.
7. Letters from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated January 18, 2011.

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8. A letter from the Town of Orangetown Zoning Board of Appeals, signed by Patricia Castelli, dated January 19, 2011.

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 Short Environmental Assessment Form signed by Brad Dansker, dated January 6, 2011.

11. A Site Plan prepared by William Youngblood Land Surveying, dated November 11, 2010.

12. Architectural Drawings prepared by Kevin Brodie, R.A., dated December 10, 2010:

- Drawing A-1: Foundation and Roof Plan
- Drawing A-2: Exterior Elevations, Electrical Plan and Building Section

13. Letters signed by Donald Brenner, Esq., dated January 12 and February 14, 2011.

The applicant requested a Continuation.

May 11, 2011

Donald Brenner appeared and testified for the applicant.

The Board received the following communications:

1. A Project Review Committee Report dated May 4, 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 May 11, 2011.

3. An interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated May 5, 2011.

4. Letters from Dominick R. Pilla Associates, signed by Dominick Pilla, P.E., dated May 3 & 11, 2011.

5. Plans prepared by William Youngblood Land Surveying, P.C., dated November 11, 2010, last revised April 7, 2011.

6. Hydraulic Analysis and Stormwater Design Calculations prepared by Gdanski Consultants Inc., dated March 28, 2011.

7. A letter signed by Donald Brenner, dated May 10, 2011, with an attachment of the Project Drainage Analysis, prepared by Paul Gdanski, P.E.

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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 William Young 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.

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 William Youngblood Land Surveying 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 Highways, Rockland County

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Department of Health, Rockland County Sewer District #1, and having reviewed a proposed Site Plan by prepared by William Youngblood Land Surveying dated November 11, 2010, last revised April 7, 2011, a summary of the reasons supporting this determination are, and the Planning Board finds that the proposed action:

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

On motion by Bruce Bond and seconded by John Foody 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 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 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."

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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 following shall be placed as a note on the Site Plan: Site Plan approval does not authorize any encroachment upon contiguous properties.
4. The storage/ changing room requires a front yard setback of 30 feet and 0.1 foot is existing; therefore a variance from the Town of Orangetown Zoning Board of Appeals needs to be sought. (Section 3.12, R-15 zone district (subdivision approved as Average Density), Column 11).
5. The vinyl fence along the east property line is located approximately 1.5 feet over the property line. The fence shall be relocated onto the property.
6. The Short Environmental Assessment Form appears to be in order.
7. The drainage calculations are currently under review by DEME.
8. The page and liber or instrument number, as well as ownership for the existing sanitary sewer easement, shall be given on the plan.
9. The Drainage Consultant to the Planning Board, Dominick R. Pilla Associates, reviewed the Site Plan and recommends acceptance for drainage without conditions.
10. 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 and any required permits obtained.
 - It is Rockland County Department of Planning understanding the subject request is for approval of work already completed. If this is the case, the Town shall be satisfied that appropriate remediation was completed.
 - The Town shall be assured that the construction that was completed has not resulted in any net increase in the peak rate of storm water 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).

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11. Rockland County Department of Highways reviewed the Site Plan and found that the proposed action will have not foreseeable adverse impact upon County Roads in the area.

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

- No Rockland County Health Department approvals are needed for this application.

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

14. The New York State Department of Transportation (NYSDOT) reviewed the existing conditions shown on the subject site plans and while they do not meet the NYSDOT standards regarding offsets from the state highways, they do not appear to have a negative impact on Route 9W as there is adequate setback from the actual road. If future drainage problems result from the site, the property owner will be responsible to make the necessary repairs. A copy of the existing site drainage shall be provided to NYSDOT for their records.

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

- Rockland County Health Department
- Town of Orangetown Zoning Board of Appeals
- Rockland County Sewer District #1

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

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

18. TREE PROTECTION: The following note shall be placed on the Site Plan: The Tree Protection and Preservation Guidelines adopted pursuant to Section 21-24 of the Land Development Regulations of the Town of

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Continuation of Condition #18.....

Orangetown will be implemented in order to protect and preserve both individual specimen trees and buffer area with many trees. Steps that will be taken to reserve and protect existing trees to remain are as follows:

- a. No construction equipment shall be parked under the tree canopy.
 - b. There will be no excavation or stockpiling of earth underneath the trees.
 - c. Trees designated to be preserved shall be marked conspicuously on all sides at a 5 to 10 foot height.
 - d. The Tree Protection Zone for trees designated to be preserved will be established by one of the following methods:
 - One (1) foot radius from trunk per inch DBH
 - Drip line of the Tree Canopy. The method chosen should be based on providing the maximum protection zone possible. A barrier of snow fence or equal is to be placed and maintained one yard beyond the established tree protection zone. If it is agreed that the tree protection zone of a selected tree must be violated, one of the following methods must be employed to mitigate the impact:
 - Light to Heavy Impacts – Minimum of eight inches of wood chips installed in the area to be protected. Chips shall be removed upon completion of work.
 - Light Impacts Only – Installation of ¾ inch of plywood or boards, or equal over the area to be protected.
- The builder or its agent may not change grade within the tree protection zone of a preserved tree unless such grade change has received final approval from the Planning Board. If the grade level is to be changed more than six (6) inches, trees designated to be preserved shall be welled and/or preserved in a raised bed, with the tree well a radius of three (3) feet larger than the tree canopy.

19. All landscaping shown on the 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.

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

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

22. If the applicant, during the course of construction, encounters such conditions as flood areas, underground water, soft or silty areas, improper drainage, or any other unusual circumstances or conditions that were not foreseen in the original planning, such conditions shall be reported immediately to DEME. The applicant shall submit their recommendations as to the special treatment to be given such areas to secure adequate, permanent and satisfactory construction. DEME shall investigate the condition(s), and shall either approve the applicant's recommendations to correct the condition(s), or order a modification thereof. In the event of the applicant's disagreement with the decision of DEME, or in the event of a significant change resulting to the subdivision plan or site plan or any change that involves a wetland regulated area, the matter shall be decided by the agency with jurisdiction in that area (i.e. Wetlands - U.S. Army Corps of Engineers).

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

24. Prior (at least 14 days) to the placing of any road sub-base, the applicant shall provide the Town of Orangetown Superintendent of Highways and DEME with a plan and profile of the graded road to be paved in order that these departments may review the drawings conformance to the approved construction plans and the Town Street Specifications

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

The foregoing Resolution was made and moved by William Young and seconded by Bruce Bond 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: May 11, 2011

Town of Orangetown Planning Board

attachment

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

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Conditions/ Neg. Dec.**

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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: Dansker 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 7 Treeline Terrace, Upper Grandview, Town of Orangetown, Rockland County, New York and as shown on the Orangetown Tax Map as Section 71.09, Block 1, Lot 34 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