

**Meeting of May 25, 2011
TOWN OF ORANGETOWN PLANNING BOARD**

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

MEMBERS ABSENT: John Foody

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. Garvey read the agenda. Hearings as listed on this meeting's agenda which are made a part of these minutes, were held as noted below:

Lash Garden Site Plan Prepreliminary/ Preliminary/ Final Site and SEQRA Review Critical Environmental Area 66.17/1/24; R-22 zoning district	Final Site Plan Approval Subject to Conditions/ Neg. Dec.	PB #11-20
Saint Margaret's Church Site Plan Prepreliminary/ Preliminary Site and SEQRA Review 68.19/2/14 & 27; RG zoning district	Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec	PB #11-21
37 Ramland Road Wireless Telecommunications Facilities Plan and Special Permit Prepreliminary/Preliminary Site Plan, Special Permit and SEQRA Review 76.08/1/6; LIO zoning district	Continued: Review Alternative Sites and other issues requested by Board	PB #11-22
Tappan Free Library Resubdivision Plan Final Resubdivision Plan Review Tappan Historic Area 77.11.3.65 & 66; CS zoning district	Final Approval Subject to Conditions	PB #11-23

**Meeting of May 25, 2011
TOWN OF ORANGETOWN PLANNING BOARD**

Tappan Free Library Site Plan Final Site Plan Review Tappan Historic Area 77.11.3.65 & 66; CS zoning district	Final Site Plan Approval Subject Conditions	PB #11-24
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Bradley Corporate Park Site Plan Prepreliminary/ Preliminary Site and SEQRA Review Buildings #20, #21 & #22 70.06/1/50.4; LO zoning district	Postponed by Applicant	PB #11-25
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The decisions of the May 11, 2011 Planning Board Meeting was reviewed, edited and approved. The motion for adoption was made and moved by Kevin Garvey and seconded by Bruce Bond and carried as follows: Kevin Garvey, aye; Bruce Bond, aye, Jeffrey Golda, aye; Robert Dell, aye; John Foody, absent; 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 10:00 p.m. The next Planning Board meeting is scheduled for June 8, 2011.

**DATED: May 25, 2011
Town of Orangetown Planning Board**

PB #11-20: Lash Garden Plans - Final Approval Subject to Conditions/ Neg. Dec.

Town of Orangetown Planning Board Decision

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TO: Jon Feldman/Allan Lash 260 south Boulevard, Upper Grandview,
New York, 10960
FROM: Orangetown Planning Board

RE: Lash Garden Site Plan: The application of Jon Feldman, applicant, for Allan Lash, owner, for Prepreliminary/ Preliminary/ Final Site Plan review, at a site to be known as "Lash Garden 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 260 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 24 in the R-22 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **May 25, 2011** at which time the Board made the following determinations:

Jon Feldman and Allan Lash appeared and testified.

The Board received the following communications:

1. A Project Review Committee Report dated May 18, 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 25, 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 24, 2011.
4. A letter from Brooker Engineering signed by Brian Brooker P.E., dated May 16, 2011.
5. A letter from the Rockland County Department of Planning, from Eileen Miller, Senior Planner dated April 28, 2011.
6. Letters from Rockland County Department of Highways, signed by Joseph Arena, Principal Engineering Technician, dated May 6, 2011.
7. Letters from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated May April 22, 2011.

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8. A letter from the Town of Orangetown Zoning Board of Appeals, signed by William Mowerson, Chairman, dated May 4, 2011.
9. A Short Environmental Assessment Form dated April 15, 2011, signed by Jon Feldman.
10. Plan prepared by G. Biloba Gardens, signed and sealed by Allan H. Lash, P.E., dated November 2010.
11. A letter dated March 29, 2011, signed by Allan Lash.

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

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

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

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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 Jon Feldman, and the Town of Orangetown's engineering consultant, Brooker Engineering and having heard from the following offices, officials and/or Departments: (Town of Orangetown): Project Review Committee, Office of Building, Zoning, Planning Administration and Enforcement and Department of Environmental Management and Engineering; and having heard from the following involved and interested agencies: Rockland County Department of Highways, Rockland County Department of Health, and having reviewed a proposed Site Plan by prepared by Allan Lash, P.E. , dated November, 2010, 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 William Young and carried as follows: Bruce Bond, aye; Andy Stewart, aye; Robert Dell, aye; John Foody, absent; William Young, aye; Jeffrey Golda, aye and Kevin Garvey, 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 FINAL 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 Short Environmental Assessment Form appears to be in order.
4. Silt fence shall be provided around any disturbed land areas.
5. The Board's Consultant found that the overall site disturbance is less than 5,000 square feet and no post construction stormwater detention and water quality is required as per the latest NYSDEC stormwater regulations. The Consultant therefore recommends that the Lash Site Plan be approved for drainage with no conditions.
6. Rockland County Department of Highways reviewed the Site Plan and found that the requested action will have no foreseeable adverse impact to county roads in the area.

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7. The Rockland County Department of Health (RCDOH) reviewed the plans and based on the information provided, there are no RCDOH required for this application.

8. 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 Highways
- Rockland County Health Department
- Town of Orangetown Zoning Board of Appeals

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

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

11. 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:

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Continuation of Condition #11....

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.

12. 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.

13. 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.

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

15. 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

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Continuation of Condition #15....

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).

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

17. 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

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

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

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

Dated: May 25, 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: Lash Garden Plans

SEQR STATUS: Type I _____ Unlisted XXXXXX

CONDITIONED NEGATIVE DECLARATION: Yes _____ No XXXXXX

**DESCRIPTION OF ACTION: Garden Site Plan Review - Critical
Environmental Area**

LOCATION: The site is located at 260 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 24 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, Town Supervisor, Applicant, Involved Agencies

PB #11-21: Saint Margaret's Church Site Plan – Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec.

Town of Orangetown Planning Board Decision

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TO: Brian Quinn, Esq, Montalbano, Condon & Frank, PC
67 North Main Street, New City
New York, 10956

FROM: Orangetown Planning Board

RE: Saint Margaret's Church Site Plan: The application of Church of St. Margaret of Pearl River, owner, for Prepreliminary/ Preliminary Site Plan review, at a site to be known as "Saint Margaret's Church 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 115 West Central Avenue, Pearl River, Town of Orangetown, Rockland County, New York and as shown on the Orangetown Tax Map as Section 68.19, Block 2, Lots 14 & 27, in the RG zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **May 25, 2011** at which time the Board made the following determinations:

Jay Greenwell, Brian Quinn, Tom Bertussi and Msgr. O'Keefe appeared and testified for the applicant.

The Board received the following communications:

1. A Project Review Committee Report dated May 18, 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 25, 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 24, 2011.
4. Letters from Maser Consulting Engineering signed by Joseph Caruso P.E., dated May 16 & 23, 2011.
5. Letters from the Rockland County Department of Planning, from Eileen Miller, Senior Planner dated May 18, 2011 and Thomas Vanderbeek, Commissioner of Planning, dated May 20, 2011.
6. Letters from Rockland County Department of Highways, signed by Joseph Arena, Principal Engineering Technician, dated April 28, 2011.
7. Letters from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated May April 22, 2011.

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8. A letter from the Rockland County Drainage Agency, signed by Shajan Thottakara, P.E., dated May 3, 2011.
9. A letter from the New York State Department of Transportation, signed by Mary Jo Russo, P.E., Rockland County Permit Engineer, dated May 20, 2011.
10. An interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by Michael Bettmann, Chief Fire Inspector, dated May 19, 2011.
11. A letter from the Town of Orangetown Zoning Board of Appeals, signed by William Mowerson, Chairman, dated May 4, 2011.
12. A Short Environmental Assessment Form dated March 22, 2011, signed by John O'Keefe.
13. Plans prepared by Jay Greenwell, PLS, LLC:
 - Sheet 1: Site Development Plan for Proposed Addition, dated March 12, 2010
 - Sheet 2: Existing Conditions / Details, dated May 12, 2010
14. Hydraulic Analysis and Stormwater Design Calculations prepared by Paul Gdanski, P.E., dated May 17, 2010.

The Board reviewed the plan.

Public Comment:

Mary Doman, 14 South Magnolia Street, Pearl River, stated that she supports the project and that the site needed the handicap improvements.

Mike Higgins, 140 West Central Avenue, Pearl River, requested information regarding the traffic circulation pattern on Magnolia Street if the project was constructed.

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

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

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

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

After having identified the relevant areas of environmental concern, namely drainage, surface water runoff, land clearing, vegetation, fauna, traffic and noise levels, and after having taken a hard look at said environmental issues, and after having deliberated regarding such concerns, and having heard from the applicant, the applicant's professional representatives, namely Jay Greenwell, PLS and Paul Gdanski, P.E., and the Town of Orangetown's engineering consultant, Maser Consulting 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, 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;

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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:
Bruce Bond, aye; Andy Stewart, aye; Robert Dell, aye; John Foody, absent;
William Young, aye; Jeffrey Golda, aye and Kevin Garvey, 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 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 following Variances need to be sought from the Town of Orangetown Zoning Board of Appeals:

Variance	Required	Proposed	Allowed	Existing
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Maximum Floor Area Ratio		0.61	0.30	
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(RG District, Group T,
Column 4)

Minimum Front Yard	75 feet	32.7		31.9 feet*
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* note the existing church is 31.9 feet as a pre-existing not conforming front yard setback.

(RD district, Group T, Column 8)

**PB #11-21: Saint Margaret's Church Site Plan – Preliminary Site Plan
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4. The maximum development coverage does not apply to a church.
5. A Demolition Permit will be required for removal of existing structures.
6. The proposed project 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 drainage calculations are currently under review by DEME.
9. The soil erosion and sediment control plans and details are under review by DEME.
10. The Drainage Consultant to the Planning Board for this project, Maser Consulting, recommends acceptance of the drainage subject to the following conditions:
 - 1) All erosion and sediment control measures and details to comply with the "New York State Standards & Specifications for Erosion and Sediment Control." Including inlet protection which shall be provided on existing basins within the vicinity of the project.
 - 2) Stabilized construction entrance shall be shown.
 - 3) Prior to approval, the applicant shall provide percolation tests. A change in the percolation rate could significantly change the required number of drywells.
 - 4) Provide a detail how to tie the proposed 12" overflow into the existing 12" CMP.
 - 5) The drywell calculation utilizes a height of 6'. The actual height of the useable drywell should be the height below the overflow pipe.
 - 6) The 100 year rainfall event for this site is approximately 7.5" in a 24 hours period. (this item was corrected with memo dated May 23, 2011)
 - 7) The sides of adjacent drywells where they abut each other shall not be considered in the percolation calculations.
 - 8) The existing CN depth V_r calculated in the drywell design appears to be lower than it should be.
11. Rockland County Department of Planning had the following comments which are incorporated herein as conditions of approval:

There shall be no net increase in the peak rate of storm water discharge from the site at all design points.

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Continuation of Condition #11....

A stormwater pollution prevention plan (SWPPP) was not provided. The SWPPP, if required, shall conform to the current regulations, including the New York State Stormwater Management and Design Manual (August 2010) and local ordinances.

Signage and landscaping plans that meet all Town requirements must be submitted for review.

A lighting plan shall be submitted that meets all Town requirements. The lighting plan shall show fields of illumination and demonstrate that no light will shine into the County right of way.

The fire zones must be clearly marked on the Site Plan. Access to the fire zones shall be unimpeded by other parking areas and maneuverability on the site feasible.

The fire department connections shall be designated on the Site Plan and kept clear for easy access by the emergency response vehicles.

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 Rockland County Department of Planning requests the opportunity to review any variances that may be requested from the Town of Orangetown Zoning Board of Appeals in order to implement the revised Site Plan, as required by New York State General Municipal Law, Section 239-m, (a)(v).

12. Rockland County Department of Highways reviewed the Site Plan and found that the requested action will have no foreseeable adverse impact to county roads in the area.

13. 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.

14. 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 its review of the information provided.

15. The Town of Orangetown Bureau of Fire Prevention had the following Comments that relate to the demolition and construction phases of the proposed project:

1. The Bureau Chief would like to review the concept drawing of the proposed elevator.
2. When the addition to the school occurs, it requires a Fire Alarm System and may require a Fire Sprinkler System.

**PB #11-21: Saint Margaret's Church Site Plan – Preliminary Site Plan
Approval Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision
May 25, 2011
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Continuation of Condition #15.....

3. Install and maintain Portable Fire Extinguishers in accordance with NFPA 10.
4. Provide Emergency Lighting per NEC.
5. Any changes to No Parking/ Fire/ Zone shall be shown on the Site Plan.

16. The New York State Department of Transportation reviewed the Site Plan and does not have any comments at this time. All future plans submission and SEQRA documentations should be continued to be provided to the agency.

17. 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 Highways
- Rockland County Health Department
- Town of Orangetown Zoning Board of Appeals
- Rockland County Department of Planning
- New York State Department of Transportation

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

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

20. 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:

**PB #11-21: Saint Margaret's Church Site Plan – Preliminary Site Plan
Approval Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision
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Continuation of Condition #20.....

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.

- 21.** 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.
- 22.** 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.
- 23.** The contractor's trailer, if any is proposed, shall be located as approved by the Planning Board.
- 24.** 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

**PB #11-21: Saint Margaret's Church Site Plan – Preliminary Site Plan
Approval Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision
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Continuation of Condition #24.....

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).

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

26. 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

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

Override

The Board made a motion to override Condition #1 of the May 20, 2011 letter from Rockland County Department of Planning, signed by Thomas B. Vanderbeek, P.E., Commissioner of Planning for the following reasons:

“1. We note that a significant portion of the parking to serve the existing and expanded church and school, and also the chapel and parish center office building that are located on Tax Lot 68.19-2-13, is located on Tax Lot 68.19-2-28, across Magnolia Street from the subject property. Since the four lots are under the same ownership and utilized as a single site, the parking calculations should be revised to include all of the land and uses on the four lots. The bulk table should be revised to separately provide data for : (a) the two lots on the east side of Magnolia Street, and (b) the two lots on the west side of Magnolia Street. “

**PB #11-21: Saint Margaret's Church Site Plan – Preliminary Site Plan
Approval Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision
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The Board held that the parking calculations did not need to be revised to include all of the land and uses on the four lots, since the parking calculations provided on the plans were based on the scope of the proposed project.

A motion to override the condition was made and moved by Bruce Bond and seconded by William Young and carried as follows: Bruce Bond, aye; Kevin Garvey, aye; Robert Dell, aye; Andy Stewart, aye; Jeffrey Golda, aye; William Young, aye and John Foody, absent.

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

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

**Dated: May 25, 2011
Town of Orangetown Planning Board**

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

**PB #11-21: Saint Margaret's Church Site Plan – Preliminary Site Plan
Approval Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision
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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: Saint Margaret's Church Site Plan

SEQR STATUS: Type I _____ Unlisted XXXXXX
CONDITIONED NEGATIVE DECLARATION: Yes _____ No XXXXXX

**DESCRIPTION OF ACTION: Preliminary Site Plan Approval Subject to
Conditions**

LOCATION: The site is located at 115 West Central Avenue, Pearl River, Town of Orangetown, Rockland County, New York and as shown on the Orangetown Tax Map as Section 68.19, Block 2, Lots 14 & 27, in the RG 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, Town Supervisor, Applicant, Involved Agencies

PB #11-23: Tappan Free Library Resubdivision Plan: Final Approval Subject to Conditions

Town of Orangetown Planning Board Decision

May 25, 2011

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TO: Jane Slavin, R.A., 25 Greenbush Road, Orangeburg, New York
FROM: Orangetown Planning Board

RE: Tappan Free Library Resubdivision Plan: The application of Tappan Free Library for Final Resubdivision Plan Review for a site to be known as "**Tappan Free Library Resubdivision Plan**", located in the Tappan Historic District, in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21 of the Code of the Town of Orangetown. The site is located 93 Main Street, Tappan, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 77.11, Block 3, Lot 65 & 66 in the CS zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, May 25, 2011**, at which time the Board made the following determinations:

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

The Board received the following communications:

1. Project Review Committee Report dated May 18, 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 25, 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 24, 2011.
4. A letter from the Rockland County Department of Planning, signed by Thomas B. Vanderbeek, P.E., Commissioner of Planning, dated May 23, 2011.
5. A letter from the Rockland County Department of Highways, signed by Joseph Arena, Principal Engineering Technician, dated May 17, 2011.
6. A letter from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated April 22, 2011.
7. Resubdivision Plan prepared by Robert Sorace, PLS dated February 23, 2009, last revised April 7, 2011.
8. Copies of Board Decisions: PB #10-10/09: Negative Declaration, dated March 10, 2010, PB #10-09, Preliminary Subdivision Approval Subject to Conditions, dated June 23, 2010, ZBA #10-75, Rear Yard and Required Parking Space Variances Approved, Dated October 6, 2010, HABR #10-16, Approved as Presented, dated December 14, 2010 and ACABOR #11-02, Approved with Conditions, dated January 6, 2011.

PB #11-23: Tappan Free Library Resubdivision Plan: Final Approval Subject to Conditions

Town of Orangetown Planning Board Decision

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

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

1. The following note shall be placed on the Resubdivision 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 Resubdivision Plan: 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 relocate the existing property lines and dedicate the portions of property that currently include the public sidewalk and roadway, to the Town of Orangetown for highway purposes.
4. The applicant shall contact the Rockland County Drainage Agency and inquire about the County’s willingness to have that portion of the property, which currently extends into the Sparkill creek, be dedicated to the County for drainage purposes. Copies of all correspondence relating to this issue, shall be submitted to the Planning Board.
5. Rockland County Department of Planning had the following comments which are incorporated herein as conditions of approval:
Pursuant to the Rockland County Stream Control Act, the subdivision map must be reviewed and approved by the Chairman of the Rockland County Drainage Agency before the Rockland County Clerk will accept same for filing.

PB #11-23: Tappan Free Library Resubdivision Plan: Final Approval Subject to Conditions

Town of Orangetown Planning Board Decision

May 25, 2011

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6. The site is located on the east side of Main Street at the intersection with Oak Tree Road in Tappan. The Applicant proposes to resubdivide two parcels into one. Parcel 65 contains an existing frame building that is used as a public library. Parcel 66 contains an existing barn to be renovated as a library and connected to the structure on Parcel 65. The site also contains existing driveways and parking areas with access from both Main Street and Oak Tree Road. The two parcels are entirely within the 100-yr flood boundary of the Sparkill Creek that runs along the easterly property lines of the two parcels. The Applicant indicates that the increase in impervious area will be 393SF. Drainage calculations have not been provided.

In the Planning Board Drainage Consultant's previous review letter dated May 21, 2010, they recommended acceptance for drainage subject to several conditions. Upon review of the current submittal the Consultant found find that the following conditions have not been satisfied:

- Since the subject site is adjacent to the Sparkill Creek, it is within the jurisdiction of the Rockland County Drainage Agency. Accordingly, the Consultant's recommendation is conditioned on the Applicant obtaining a permit for the proposed development from that Agency. Failure to obtain such a permit will void this recommendation.
- Drainage from the site flows in an easterly direction between the two buildings from the street toward the Sparkill Creek. Construction of an enclosed walkway between the two buildings will block the natural flow of drainage which is unacceptable. The Applicant has added a note, number 3, that the east side of the proposed building connection will be regraded to direct drainage in the opposite direction toward Oak Tree Road. However, the note by itself is insufficient. A detailed grading plan showing appropriate contours, spot elevations, flow path, building elevation, etc must be provided, and shall be signed and sealed by a N.Y. State P.E. Additional conditions may be added based on response to these conditions.

7. The Rockland County Department of Highways reviewed the plans and based upon the plans and information provided, found that the proposed design is acceptable as submitted and the Department of Highways is now prepared to accept an application for a Highway Department Work Permit.

PB #11-23: Tappan Free Library Resubdivision Plan: Final Approval Subject to Conditions

Town of Orangetown Planning Board Decision

May 25, 2011

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8. Based upon 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 the Rockland County Stream Control Act, Chapter 846, is required based upon its review of the information provided. The applicant must submit an application to the RCDA immediately.

9. 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.

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

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

12. TREE PROTECTION: The following note shall be placed on the subdivision 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.

PB #11-23: Tappan Free Library Resubdivision Plan: Final Approval Subject to Conditions

Town of Orangetown Planning Board Decision

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Continuation of Condition #12.....

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.

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

14. 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.

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

16. 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).

PB #11-23: Tappan Free Library Resubdivision Plan: Final Approval Subject to Conditions

Town of Orangetown Planning Board Decision

May 25, 2011

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

18. 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 DEMA 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

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

The foregoing Resolution was made and moved by Bruce Bond and seconded by William Young and carried as follows: Bruce Bond, aye; Kevin Garvey, aye; Andy Stewart, aye; William Young, aye; John Foody, absent; 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 25, 2011

Town of Orangetown Planning Board

PB #11-24: Tappan Free Library Site Plan: Final Site Plan Approval Subject to Conditions

Town of Orangetown Planning Board Decision

May 25, 2011

Page 1 of 6

TO: Jane Slavin, R.A., 25 Greenbush Road, Orangeburg, New York
FROM: Orangetown Planning Board

RE: Tappan Free Library Site Plan: The application of Tappan Free Library for Final Site Plan Review for a site to be known as "**Tappan Free Library Site Plan**", located in the Tappan Historic District, in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21A of the Code of the Town of Orangetown. The site is located 93 Main Street, Tappan, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 77.11, Block 3, Lot 65 & 66 in the CS zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, May 25, 2011**, at which time the Board made the following determinations:

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

The Board received the following communications:

1. Project Review Committee Report dated May 18, 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 25, 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 24, 2011.
4. A letter from Rockland County Department of Planning, signed by Thomas B. Vanderbeck, Commissioner of Planning, dated May 23, 2011.
5. A letter from the Rockland County Department of Highways, signed by Joseph Arena, Principal Engineering Technician, dated May 17, 2011.
6. A letter from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated April 22, 2011.
7. Site Plan prepared by Robert Sorace, PLS dated February 23, 2009, last revised April 7, 2011.
8. Copies of Board Decisions: PB #10-10/09: Negative Declaration, dated March 10, 2010, PB #10-10, Preliminary Site Plan Approval Subject to Conditions, dated June 23, 2010, ZBA #10-75, Rear Yard and Required Parking Space Variances Approved, Dated October 6, 2010, HABR #10-16, Approved as Presented, dated December 14, 2010 and ACABOR #11-02, Approved with Conditions, dated January 6, 2011.

PB #11-24: Tappan Free Library Site Plan: Final Site Plan Approval Subject to Conditions

Town of Orangetown Planning Board Decision

May 25, 2011

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

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: 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 existing sanitary house connection locations, for both buildings, shall be shown on the plan.
4. Drainage calculations, prepared and sealed by a New York State Licensed Professional Engineer, shall be submitted to DEME for review and approval. Or, if the proposed increase in impervious area is less than 400 square feet, a letter from the applicant's engineer shall state the same.
5. The soil erosion and sediment control plans and details are under review by DEME.
6. The site is located on the east side of Main Street at the intersection with Oak Tree Road in Tappan. The Applicant proposes to resubdivide two parcels into one. Parcel 65 contains an existing frame building that is used as a public library. Parcel 66 contains an existing barn to be renovated as a library and connected to the structure on Parcel 65. The site also contains existing driveways and parking areas with access from both Main Street and Oak Tree Road. The two parcels are entirely within the 100-yr flood boundary of the Sparkill Creek that runs along the easterly property lines of the two parcels. The Applicant indicates that the increase in impervious area will be 393SF. Drainage calculations have not been provided.

PB #11-24: Tappan Free Library Site Plan: Final Site Plan Approval Subject to Conditions

Town of Orangetown Planning Board Decision

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Continuation of Condition #6.....

In the Planning Board Drainage Consultant's previous review letter dated May 21, 2010, they recommended acceptance for drainage subject to several conditions. Upon review of the current submittal the Consultant found that the following conditions have not been satisfied:

- Since the subject site is adjacent to the Sparkill Creek, it is within the jurisdiction of the Rockland County Drainage Agency. Accordingly, the Consultant's recommendation is conditioned on the Applicant obtaining a permit for the proposed development from that Agency. Failure to obtain such a permit will void this recommendation.
- Drainage from the site flows in an easterly direction between the two buildings from the street toward the Sparkill Creek. Construction of an enclosed walkway between the two buildings will block the natural flow of drainage which is unacceptable. The Applicant has added a note, number 3, that the east side of the proposed building connection will be regraded to direct drainage in the opposite direction toward Oak Tree Road. However, the note by itself is insufficient. A detailed grading plan showing appropriate contours, spot elevations, flow path, building elevation, etc must be provided, and shall be signed and sealed by a N.Y. State P.E. 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:

As indicated in the May 17, 2011 letter from the Rockland County Highway Department, a Work Permit must be obtained from that agency.

If off-site parking will be utilized to meet some of the increase parking demand, information about the location and availability of this parking must be provided.

Signage, landscaping and lighting plans that meet all Town of Orangetown requirements shall be provided.

The concerns expressed in the March 7, 2011 letter from the Rockland County Drainage Agency, shall be addressed and all required permits obtained.

The Floodplain Administrator for the Town of Orangetown shall certify that the proposed construction is in compliance with the floodplain regulations of the Town and the Federal Emergency Management Agency.

If 1000 square feet or more of land will be disturbed, 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.

There shall be no net increase in the peak rate of stormwater discharge from the site at all design points.

PB #11-24: Tappan Free Library Site Plan: Final Site Plan Approval Subject to Conditions

Town of Orangetown Planning Board Decision

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8. The Rockland County Department of Highways reviewed the plans and based upon the plans and information provided, found that the proposed design is acceptable as submitted and the Department of Highways is now prepared to accept an application for a Highway Department Work Permit.

9. Based upon Rockland County Drainage Agency (RCDA) evaluation of available mapping and information submitted, it has been determined to be within the jurisdiction of the RCDA. Therefore, a permit from the RCDA pursuant to the Rockland County Stream Control Act, Chapter 846, is required based upon its review of the information provided. A permit application shall be submitted to RCDA.

10. 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.

11. The Town of Orangetown Bureau of Fire Prevention had the following Comments and shall be placed as notes on the Plans:

- (1) Apply and maintain a Certificate of Compliance Fire Safety with the Town of Orangetown Bureau of Fire Prevention.
- (2) Install an NFPA 13 Compliant Fire Sprinkler system and maintain it according to NFPA 25, with a 4" Storz Fire Department Connection.
- (3) Install and maintain a Fire Alarm system in accordance with NFPA 72 with amber and red strobes as per Orangetown code. Transmitting to Rockland County 44-Control over 2 dedicated copper phone lines.
- (4) Provide drawings for Fire Sprinkler and Fire Alarm system for approval prior to starting work.
- (5) Install and maintain Portable Fire Extinguishers in accordance with NFPA 10.
- (6) Provide Emergency Lighting as required.
- (7) Install a key box.
- (8) Show Fire Lanes/Zones on final approved Site Plan.

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 #11-24: Tappan Free Library Site Plan: Final Site Plan Approval Subject to Conditions

Town of Orangetown Planning Board Decision

May 25, 2011

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14. TREE PROTECTION: The following note shall be placed on the Site Plan 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 #11-24: Tappan Free Library Site Plan: Final Site Plan Approval Subject to Conditions

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 Bruce Bond and seconded by William Young and carried as follows: Bruce Bond, aye; Kevin Garvey, aye; Andy Stewart, aye; William Young, aye; John Foody, absent; 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 25, 2010

Town of Orangetown Planning Board