

**Meeting of November 9, 2011
Town of Orangetown Planning Board**

Members Present: Bruce Bond, Vice-Chairperson; William Young; Robert Dell Jeffrey Golda; John Foody and Andy Stewart

Member Absent: Kevin Garvey, Chairperson

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

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

New Items:

Saint Margaret's Church Site Plan Final Site Plan Review 68.19/2/14 & 27; RG zoning district	Final Site Plan Approval Subject to Conditions	PB #11-54
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Orangeburg General Auto Repair Site Plan Consultation 74.15/1/8; LI zoning district	Consultation	PB #11-55
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Postponed items from October 26, 2011 Meeting:

155 Corporate Drive Site Plan Final Site Plan 73.15/1/18 and 73.19/1/1; LIO zoning district	Final Site Plan Approval Subject to Conditions	PB #11-52
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155 Corporate Drive Internal Commercial Subdivision Plan Final Internal Commercial Subdivision Plan 73.15/1/18 and 73.19/1/1; LIO zoning district	Final Approval Subject to Conditions	PB #11-53
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New Item

Orangeburg Commons Mixed Use Concept Plan with Food Market Site Plan Consultation 74.15, Block 1, Lot 21; LI zoning district	Consultation	PB #11-56
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November 9, 2011
Planning Board Meeting

The decisions of the October 26, 2011 Planning Board Meeting was reviewed, edited, and approved. The motion for adoption was made and moved by Bruce Bond and seconded by William Young and carried as follows: Robert Dell, aye; Kevin Garvey, absent; 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 Bruce Bond and seconded by William Young and agreed to by all in attendance. The meeting was adjourned at 9:50 p.m. The next Planning Board meeting is scheduled for December 14, 2011.

DATED: November 9, 2011
Town of Orangetown Planning Board

**PB #11-54: Saint Margaret's Church Site Plan – Final Site Plan Approval
Subject to Conditions**

**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 Final Site Plan review, for Phase I and Phase II 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. 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 **November 9, 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 November 2, 2011.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated November 9, 2011.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering, (DEME) Town of Orangetown, signed by Bruce Peters, P.E., dated November 4, 2011.
4. A letter from Maser Consulting Engineering signed by Joseph Caruso P.E., dated November 1, 2011.
5. A letter from the Rockland County Department of Planning, signed by Thomas Vanderbeek, Commissioner of Planning, dated November 7, 2011.
6. A letter from Rockland County Department of Highways, signed by Joseph Arena, Principal Engineering Technician, dated November 4, 2011.
7. A letter from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated October 12, 2011.

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8. Plans prepared by Jay Greenwell, PLS, LLC, revised October 3, 2011:
 - Sheet 1: Cover Sheet and Phasing Plan for Proposed Additions dated September 29, 2011
 - Sheet 2: Site Development Plan for Proposed Addition, Phase One: dated March 12, 2010
 - Sheet 3: Site Development Plan for Proposed School Addition Phase Two & Phase One and Two Detail Sheet, dated September 29, 2011
 - Sheet 4: Existing Conditions, dated May 12, 2010
9. Proposed Building Addition Site Planting Plan, prepared by Robert G. Torgersen, ASLA, dated August 9, 2010.
10. Copies of Board Decisions: ACABOR #11-31, Approved with Conditions, dated September 8, 2011, ZBA #11-63, Floor Area Ration and Front Yard Variances Approved, dated July 2011 and PB #11-21, Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec., dated May 25, 2011.

The Board reviewed the plan.

There being no one to be heard from the Public, a motion was made to close the Public Hearing portion of the meeting by William Young and second by Bruce Bond and carried as follows: Bruce Bond, aye; Andy Stewart, aye; William Young, aye; Robert Dell, aye; John Foody, aye; Jeffrey Golda, aye and Kevin Garvey, absent.

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 Planning Boards grants a 5 year period for construction to commence under Phase II of the plan. No Building Permit shall be issued for Phase II of the proposed development after 5 years from the date of filing the Site Plan. After that date, the applicant would need to appear in front of the Planning Board for review and approval of Phase II development.
2. The following note shall be placed on the Site Plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a meeting."

**PB #11-54: Saint Margaret's Church Site Plan – Final Site Plan Approval
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3. 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.
4. The applicant shall comply with all pertinent and applicable conditions of all previous Board Decisions: ACABOR #11-31, Approved with Conditions, dated September 8, 2011, ZBA #11-63, Floor Area Ratio and Front Yard Variances Approved, dated July 20, 2011 and PB #11-21, Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec., dated May 25, 2011.
5. A soil erosion and sediment control plan shall be added to the plans for Phase #2.
6. The Drainage Consultant to the Planning Board for this project, Maser Consulting, recommends acceptance of the drainage subject to the following conditions:
 - 1) As per note #19 on Sheet 1; prior to construction, percolation tests shall be provided to DEME and the Building Department. Any necessary changes to the calculations shall be made at that time to accommodate any discrepancies in the percolation rate and the respective design.
 - 2) As per the PB#11-21, 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.
7. 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.

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.

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8. 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.

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. 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.

11. 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.
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.

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.

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

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Continuation of Condition #14....

- 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.

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.

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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.

Override

The Board made a motion to override Conditions #2 and #3 of the November 7, 2011 letter from Rockland County Department of Planning, signed by Thomas B. Vanderbeek, P.E., Commissioner of Planning for the following reasons:

Condition #2

The landscaping plan shall be revised to include low evergreen landscaping in front of the parking spaces facing Washington Avenue, in order to improve the aesthetics of the site and to block headlights from entering the County road right of way.

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The Board held that the width of the area available for planting is not sufficient for planting and is within the County of Rockland right of way. In addition, planting in this location would interfere with sight lines on Washington Avenue and create a safety hazard.

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

Condition #3

It is our understanding that no new lighting is proposed. To be assured that no existing lighting shines into the County road right of way, a lighting plan with fields of illumination shall be provided that demonstrate that no lighting shines into the County right of way.

The Board held that no new lights are proposed for the site and all lights are completely enclosed within the building. Phase II lighting can be reviewed if a lighting situation occurs at that time.

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

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

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: November 9, 2011
Town of Orangetown Planning Board**

PB #11-55: Orangeburg General Auto Repair Site Plan - Consultation

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TO: Valentine Herrera, 21 North Route 303, Congers, New York 10920
FROM: Orangetown Planning Board

RE: **Orangeburg General Auto Repair Site Plan:** The application of Valentine Herrera, applicant for Manuel Chaues, owner, for Consultation, at a site know as "Orangeburg General Auto Repair 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. The site is located at 187 Route 303, Orangeburg, Town of Orangetown, Rockland County, New York and as shown on the Orangetown Tax Map as Section 74.15, Block 1, Lot 8, in the LI zoning district.

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

James Jones appeared and testified for the applicant. The Board received the following communications:

1. Project Review Committee Report dated November 2, 2011.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated November 9, 2011, with an attachment entitled Complaint Action Summary, dated November 4, 2011.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., November 4, 2011.
4. Schematic drawing of the proposed building addition, undated and unsigned.
5. A letter from Orangeburg General Auto Repair, signed by Valentine Herrera, dated August 12, 2011.

CONSULTATION: In view of the foregoing and the testimony before the Board, the applicant was provided with the following comments:

1. An onsite inspection performed by Mr. Ed McPherson, Town of Orangetown Code Enforcement Officer on November 3, 2011 revealed several current violations.
2. Before any consideration to expand the operations at the property, the owner shall correct the current violations, attached violation notice.

PB #11-55: Orangeburg General Auto Repair Site Plan - Consultation

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3. A proper site plan that conforms to Section 21 of the Town of Orangetown Code Book – Land Development Regulations, shall be provided for review.

4. The following note should 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.”

5. 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

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

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

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

Dated: November 9, 2011

Town of Orangetown Planning Board

PB #11-52: 155 Corporate Drive Site Plan: Final Site Plan Approval Subject to Conditions

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TO: Douglas Bartels, P.E., Russo Development,
560 Commerce Boulevard, Carlstadt, New Jersey 07072

FROM: Orangetown Planning Board

RE: **155 Corporate Drive Site Plan:** Application of 155 Corporate Drive, Inc., owner, for Final Site Plan Review, at a site to be know as “155 Corporate Drive 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. The site is located at 155 Corporate Drive, on the south side of Corporate Drive, 850 feet west of Olympic Drive, Orangeburg, New York. Tax Map: Section 73.15, Block 1, Lot 18 and Section 73.19, Block 1, Lot 1; in the LIO zoning district.

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

Douglas Bartels and Andy Del Vecchio appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated November 2, 2011.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated November 9, 2011, with attachment.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated October 20, 2011.
4. A letter from Rockland County Department of Planning, signed by Thomas Vanderbeek, dated November 9, Commissioner of Planning.
5. A letter from the Rockland County Department of Highways, signed by Sonny Lin, P.E., dated October 17 2011.
6. A letter from Rockland County Department of Health, signed by Scott McKane. P.E., Senior Public Health Engineer, dated October 3, 2011.
7. A letter from Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer, dated January 19, 2010.
8. A Full Environmental Assessment Form signed by Edward Russo, Manager, dated September 22, 2011 and a Short Environmental Assessment Form dated September 22, 2011.
9. A letter from Russo Development, signed by Douglas G. Bartels, P.E., Vice President – Development, dated September 23, 2011.

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10. Plans prepared by Douglas G. Bartels, P.E. and Jack Shoemaker, PLS, dated October 30, 2009, unless noted:

- C1: Title Sheet, revised July 28, 2011
- C2: Existing Conditions Plan, revised May 21, 2010
- C3: Site Plan, revised July 20, 2011
- C4: Overall Grading Plan, date May 21, 2010, revised July 29, 2011
- C4.1: Grading and Drainage Plan, revised July 28, 2011
- C4.2: Stormwater Management Plan and Details, dated February 17, 2010 revised May 21, 2010
- C4.3: Stormwater Management Plan and Details, dated April 5, 2010, revised May 21, 2010
- C5: Utility Plan, revised July 28, 2011
- C6: Profiles, revised May 21, 2010
- C7: Profiles, revised May 21, 2010
- C8: Construction Details, revised May 21, 2010
- C9: Construction Details, revised May 21, 2010
- C10: Construction Details, revised May 21, 2010
- C11: Landscape Plan, revised July 28, 2011
- C12: Lighting Plan, revised July 20, 2011
- C13: Landscape & Lighting Details, revised July 28, 2011
- C14: Soil Erosion & Sediment Control Plan, revised July 28, 2011
- C15: Soil Erosion & Sediment Control Plan, revised May 21, 2011

11. Copies of Board Decisions: ACABOR #11-34, Approved Subject to Conditions, dated September 8, 2011; ZBA #10-92, dated July 20, 2011, Variances for Outdoor Loading Berths, Front Yard, Building Height, Approved with Specific Conditions, with attachment and PB #10-05, Preliminary Site Plan Approval Subject to Conditions, dated July 9, 2010.

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

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:

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- 1.** The following note shall be placed on the Site Plan: “At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a Pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a Meeting.”
- 2.** Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations
- 3.** The applicant shall comply with all applicable and pertinent conditions of previous Board decisions: ACABOR #11-34, Approved Subject to Conditions, dated September 8, 2011; ZBA #10-92, dated July 20, 2011, Variances for Outdoor Loading Berths, Front Yard, Building Height, Approved with Specific Conditions, with attachment and PB #10-05, Preliminary Site Plan Approval Subject to Conditions, dated July 9, 2010.
- 4.** A Covenant shall be prepared to the satisfaction of the Town of Orangetown Town Attorney regarding the parking lot on Tax Lot # 73.19/1/1 and its use for Tax Lot # 73.15/1/1.
- 5.** Parking in the required yards is not permitted unless approved by the Planning Board (Table 3.11, LO District, Column 7, Item #1).
- 6.** A Jurisdictional determination letter from the United States Army Corp of Engineers shall be provided for the disturbance of the wetlands.
- 7.** An Access Easement for the 40 foot wide access easement to be dedicated to the Town of Orangetown shall be submitted by the applicant subject to review and approval in substance and form by the Town of Orangetown Town Attorney’s Office. A note shall be placed on the Site Plan regarding the submission of the Access Easement to the Town for review and approval and said Easement shall be shown on the plan.

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8. Drawing #C3, "Site Plan" shows 6 foot high PVC fences along the South West edges of the proposed loading areas on opposite sides of the proposed building and drawing #C4, "Overall Grading Plan" shows retaining walls at those locations. Please clarify.

9. The heights of the retaining walls on Sheet #C4 are not labeled. Based on the letter of September 23, 2011 from Douglas G. Bartels, P.E., to Ms. Coopersmith, it is assumed the retaining walls are actually the "Sound Walls." Please clarify.

10. A post construction stormwater maintenance agreement (in accordance with NYSDEC Phase II regulations) for the proposed stormwater system shall be submitted to DEME and the Town Attorney's Office for review and approval, in substance and form. Said agreement shall include a maintenance and management schedules, inspection check lists, contact person with telephone number, yearly report to be submitted to DEME, etc.

11. Copies of all correspondence, including all approvals with the New York State Department of Environmental Conservation, the Rockland County Drainage Agency, etc. in connection with this proposed Site Plan, shall be supplied to the Planning Board and DEME, prior to signing the Site Plan.

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

A review shall be considered and satisfactorily addressed from the Borough of Old Tappan, New Jersey.

A review of the wetlands on the site shall be completed by the New York State Department of Environmental Conservation and any required permits obtained.

The concern expressed in the May 10, 2010 and the October 17, 2011 letters from the Rockland County Highway Department, regarding the need for a traffic study, shall be addressed and any required permits obtained.

Water is a scarce resource in Rockland County; thus proper planning and phasing of this project are critical to supplying the current and future residents of the Villages, Towns, and County with an adequate supply of water. A letter from the public water supplier, stamped and signed by a NYS licensed professional engineers, shall be issued to the municipality for this project, certifying that there will be sufficient water supply during peak demand periods and in a drought situation.

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Continuation of Condition #12....

If any public water supply improvements are required, engineering plans and specification for these improvements shall be reviewed by the Rockland County Department of Health, prior to construction. In order to complete an application for approval of plans for public water supply improvements, the water supplier must supply an engineer's report pursuant to the "Recommended Standards for Water Works, 2003 Edition," that certifies their ability to serve the proposed project while meeting the criteria contained within the Recommended Standards for Water Works. These standards are adopted in their entirety in 10 NYCRR, Subpart 5-1, the New York State regulations governing public water systems.

Public sewer mains requiring extensions within a right of way or an easement shall be reviewed and approved by the Rockland County Department of Health prior to construction.

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

The landscaping, lighting, and signage plans shall meet all Town of Orangetown standards.

Top of wall and bottom o wall elevations shall be provided on the grading plan. In addition, a detail drawing of the wall shall be provided.

An illustration shall be provided that demonstrates how fire truck movements will be accomplished through the roll-up doors in the sound wall and onto the 20 foot wide emergency fire access lane. These movements may be difficult or impossible due to the sharpness of the required vehicle turn onto the access lane. **The plans shall be reviewed and approved by the Town of Orangetown Bureau of Fire Prevention.**

Since the site is expected to generate significant truck traffic; it is recommended that signs be placed in loading areas to remind truck operators of the idling time limits of state law (5 minutes) and county law (3 minutes) so as to minimize air pollution impacts on neighboring residential to the south.

There shall be no net increase in stormwater runoff from the site.

Prior to the start of construction or grading, a soil, and erosion control plan shall be developed in place for the entire site that meets the New York State Guidelines for Urban Erosion and Sediment Control.

On the Cover Sheet, in the list of variances requested. This should be revised to list the variances that were granted by the Town of Orangetown Zoning Board of Appeals and to note the date of action.

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13. The Rockland County Department of Health reviewed the Site Plan and noted that all comments from its previous correspondence of December 10, 2009 and January 19, 2010 have been adequately addressed. After receiving Final Approval, the applicant shall forward three (3) sets of plans to the Rockland County Department of Health to be stamped and signed as approved.

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 required based upon its review of the information provided. However, a portion of the site appears to be located in within mapped federal wetlands. The RCDA suggests that the U.S. Army Corps of Engineers be contacted by the lead agency and requested to make a jurisdictional determination regarding the proposed activity.

15. The Pearl River Fire District requests that a fire hydrant be installed on the north side of Corporate Drive, no less than 500 feet from the existing hydrant, located east of the entrance to #30 Corporate Drive. This note shall be placed on the Site Plan and the plan shall be approved the Fire District.

16. The Town of Orangetown Bureau of Fire Prevention had the following comments in regards to the proposed development:

The fire road around the rear (south) if it can not be out of the collapse zone or in the buffer zone, it is OK to place it close to the rear (south) wall.

The sprinkler system must be designed to protect the commodity that is being stored on the rack.

The Fire Department Access road around the back of the building to be 20 feet wide with an overhead clearance of 13 feet, 6 inches, at least the height of the wall away from the rear wall and any other walls in the vicinity.

If the space is to be subdivided, the plan shall note how and what commodity will be protected by the Fire Sprinkler system and the Fire Alarm system.

If the space is to be subdivided, the Fire Sprinklers and the Fire Alarm shall be adaptable to be monitored by each division (zoned).

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17. There shall be no further subdivision of the property across the street from the project site. A note shall be placed on the plan and a legal document shall be submitted to the Town of Orangetown Town Attorney's Office. The legal documents shall be subject to review and approval in substance and form by the Town of Orangetown Town Attorney's Office.

18. The applicant shall comply with all pertinent items in the Guide to the Preparation of Site Plats 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:

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.

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- 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 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.

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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 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

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

The foregoing Resolution was made and moved by William Young and seconded by John Foody and carried as follows: Bruce Bond, aye; Kevin Garvey, absent; 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: November 9, 2010

Town of Orangetown Planning Board

**PB #11-53: 155 Corporate Drive Internal Commercial Subdivision Plan:
Final Approval Subject to Conditions**

**Town of Orangetown Planning Board Decision
November 9, 2010
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TO: Douglas Bartels, P.E., Russo Development,
60 Commerce Boulevard, Carlstadt, New Jersey 07072
FROM: Orangetown Planning Board

RE: **155 Corporate Drive Internal Commercial Subdivision Plan:**
Application of 155 Corporate Drive, Inc., owner, for Final Internal Commercial Subdivision Plan Review, for a site to be known as "155 Corporate Drive Internal Commercial Subdivision Plan", in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21 of the Code of the Town of Orangetown. The site is located at 155 Corporate Drive, on the south side of Corporate Drive, 850 feet west of Olympic Drive, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown. Tax Map as Section 73.15, Block 1, Lot 18 & Section 73.19, Block 1, Lot 1 in the LIO zoning district.

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

Douglas Bartels and Andy Del Vecchio appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated November 2, 2011.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated November 9, 2011, with attachment.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated October 20, 2011.
4. A letter from Rockland County Department of Planning, signed by Thomas Vanderbeek, dated November 9, Commissioner of Planning.
5. A letter from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated October 3, 2011.
6. A Full Environmental Assessment Form signed by Edward Russo, Manager, dated September 22, 2011 and a Short Environmental Assessment Form dated September 22, 2011.
7. A letter from Russo Development, signed by Douglas G. Bartels, P.E., Vice President – Development, dated September 23, 2011.
8. CS1: Commercial Subdivision Plan, prepared by Douglas G. Bartels, P.E. and Frank Jakus, R.A., dated February 17, 2010, revised July 28, 2011.

**PB #11-53: 155 Corporate Drive Site Plan: Final Subdivision Plan Approval
Subject to Conditions**

**Town of Orangetown Planning Board Decision
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9. Copies of Board Decisions: ACABOR #11-34, Approved Subject to Conditions, dated September 8, 2011, ZBA #10-92, dated July 20, 2011, Variances for Outdoor Loading Berths, Front Yard, Building Height, Approved with Specific Conditions, with attachment and PB #10-05, Preliminary Site Plan Approval Subject to Conditions, dated July 9, 2010.

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

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

1. The following note shall be placed on the Subdivision 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 Town of Orangetown Bureau of Fire Prevention had the following comments in regards to the proposed development:
 - Apply for and maintain a Certificate of Compliance Fire Safety with the Town of Orangetown Bureau of Fire Prevention.
 - The Fire Sprinkler system will have the ability to shut one side off and leave the other side in service.
 - The addressable fire alarm be zoned for each tenant, with separate amber strobes for each tenant.
 - Individual Key Boxes for each tenant shall be installed.
 - The Fire Sprinklers and the Fire Alarm shall be adaptable to be monitored by each division (zoned).
 - The fire road around the rear (south) if it can not be out of the collapse zone or in the buffer zone, it is OK to place it close to the rear (south) wall.
 - The sprinkler system must be designed to protect the commodity that is being stored on the rack.

**PB #11-53: 155 Corporate Drive Site Plan: Final Subdivision Plan Approval
Subject to Conditions**

**Town of Orangetown Planning Board Decision
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3. Rockland County Department of Planning had the following comments which are incorporated herein as conditions of approval:

A note or calculations showing how the provided parking spaces will be used to serve the parking demand associated with each of the two units shall be added to the Commercial Subdivision Plan.

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

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

Override

The Board made a motion to override Conditions #1 *with Regard to the internal subdivision plan* of the November 9, 2011 letter from Rockland County Department of Planning, signed by Thomas B. Vanderbeek, P.E., Commissioner of Planning for the following reasons:

*With Regard to the internal subdivision plan:
Condition #1*

As required by the Rockland County Stream Control Act, the subdivision map must be reviewed and signed by the Chairman of the Rockland County Drainage Agency before the County Clerk will accept the plan for filing.

The Board held that item applies to a division of land not an interior subdivision of commercial space.

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

The foregoing Resolution was made and moved by William Young and seconded by John Foody and carried as follows: Bruce Bond, aye; Kevin Garvey, absent; 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: November 9, 2011
Town of Orangetown Planning Board**

PB #11-56: Orangeburg Commons Mixed Use Concept Plan with Food Market Site Plan - Consultation

Town of Orangetown Planning Board Decision

November 9, 2011

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TO: Fred Donit, Turner Miller Group, 2 Executive Boulevard, #108,
Suffern, New York 10901
FROM: Orangetown Planning Board

RE: **Orangeburg Commons Mixed Use Concept Plan with Food Market Site Plan:** The application of FB Orangetown, LLC c/o RD Management, owner, for Consultation, at a site know as "Orangeburg Commons Mixed Use Concept Plan with Food Market 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. The site is located on the south side of Stevens Way, 100 feet west of the intersection of Route 303, Orangeburg, Town of Orangetown, Rockland County, New York and as shown on the Orangetown Tax Map as Section 74.15, Block 1, Lot 21 in the LI zoning district.

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

Al Rossi, Fred Donit, Geraldine Torterella and A. Peter Russillo appeared and testified. The Board received the following communications:

1. Project Review Committee Report dated November 2, 2011.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated November 9, 2011.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., November 4, 2011.
4. A Report with attached amended plans entitled Orangeburg Commons Mixed Use Concept Plan with Food Market, prepared by Turner Miller Group, dated October 25, 2011;
5. Copies of previous Board Decisions: PB #08-30, Denied Requests and Amended Final Decision and Recommendation to Town Board to Establish Performance Bond, dated May 14, 2008, PB #07-19, Final Site Plan Approval Subject to Conditions, dated February 28, 2007, ACABOR #06-70, Approved Subject to Conditions, dated December 5, 2006 and PB #06-41, Preliminary Site Plan Approval Subject to Conditions, dated November 8, 2006.

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

Dated: November 9, 2011

Town of Orangetown Planning Board