

**TOWN OF ORANGETOWN PLANNING BOARD
Meeting of November 10, 2010**

MEMBERS PRESENT:

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

MEMBERS ABSENT: Robert Dell

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

Bruce Bond, 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:

St. Thomas Aquinas College Athletic Field Site Plan	PB #10-41
Prepreliminary /Preliminary/ Final Site Plan and SEQRA Review 74.20/1/2; LO zoning district	Postponed to 12/8/10

Continued Items from October 27, 2010 Meeting:

Bradley Corporate Park Grading Plan	PB #10-49
Temporary Grading Plan for Building #15B and SEQRA Review 70.06/1/50.4; LO zoning district	Approved with Conditions Neg. Dec.

New Items:

Bradley Corporate Park Plan	PB #10-53
Prepreliminary/Preliminary/Final Resubdivision Plan, Prepreliminary/Preliminary/ Final Site Plan Amendment and SEQRA Review 70.06/1/1.3 & 50.4; LO zoning district	Continued: Needs Drainage

New Items:

CCVF Development Corporation Site Plan	PB #10-51
Prepreliminary/Preliminary/Final Site Plan Amendment and SEQRA Review Critical Environmental Area 75.05/1/8; R-22 zoning district	Final Site Plan Approval Subject to Conditions Neg. Dec.

**115 Route 303 Internal Commercial
Subdivision Plan**

Amendment to Preliminary
Approval (PB #10-25) and
Final Internal Commercial
Subdivision Plan Review
77.07/2/1; LI zoning district

PB #10-52

**Amended Preliminary
Approval and Granted
Final Approval Subject
to Conditions**

Zugibe and Holt In-Ground Pool Site Plan

Prepreliminary/Preliminary Site Plan
and SEQRA Review
Critical Environmental Area
70.08/1/5; R-40 zoning district

PB #10-54

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

The Mews at Pearl River Site Plan

Prepreliminary/Preliminary/
Final Site Plan and SEQRA Review
68.16/6/62; PAC/CS zoning district

PB #10-55

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

The decisions of the October 27, 2010 Planning Board Meeting was reviewed, edited and approved. The motion for adoption was made and moved by Kevin Garvey and seconded by Jeffrey Golda and carried as follows: Robert Dell, absent; Kevin Garvey, aye; Bruce Bond, aye; Jeffrey Golda, aye; John Foody, aye; Andy Stewart, aye and William Young, aye.

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

Since there was no further business to come before the Board, a motion to adjourn the meeting was made by Kevin Garvey and seconded by John Foody and agreed to by all in attendance. The meeting was adjourned at 11:30 p.m. The next Planning Board meeting is scheduled for December 8, 2010.

**DATED: November 10, 2010
Town of Orangetown Planning Board**

PB #10-49: Bradley Corporate Park Plan – Temporary Grading Plan for Building #15B; Approval Subject to Conditions/ Neg. Dec.

**Town of Orangetown Planning Board Decision
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TO: John MaGee, 500 Bradley Hill Road, Blauvelt, New York 10913
FROM: Orangetown Planning Board

RE: Bradley Corporate Park Site Plan Temporary Grading Plan: Application of Bradley Corporate Park, Applicant, for John and Patrick MaGee, owners, for the review of a Temporary Grading Plan for Building #15B for a site known as “Bradley Corporate Park Site Plan Temporary Grading Plan – Building #15B”, 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 500 Bradley Hill Road, Blauvelt, New York; and as shown on the Orangetown Tax Map as Section 70.06, Block 1, Lot 50.4; in the LO zoning district.

Heard by the Planning Board of the Town of Orangetown at meetings held **Wednesday, October 27 and November 10, 2010** at which time the Board made the following determinations:

October 27, 2010

Dan Mellion and Joseph Corless appeared and testified for the applicant.

The Board received the following communications:

1. A Project Review Committee Report dated October 20, 2010.
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 October 27, 2010.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering, (DEME) Town of Orangetown, signed by Bruce Peters, P.E., dated October 21, 2010.
4. A letter from HDR, signed by Harvey Goldberg, P.E., dated October 22, 2010.
5. A letter from the New York State Department of Transportation, signed by Mary Jo Russo, Rockland County Permit Engineer, dated October 22, 2010.
6. A Short Environmental Assessment Form dated October 8, 2010, signed by John MaGee.
7. A Project Narrative, prepared by Corless and Associates Engineers.
8. Plan prepared by Corless and Associates Engineers, Temporary Storage of Material Building #15 and 15B Bradley Corporate Park, dated October 4, 2010.

The Board reviewed the plan.

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Brian Keith, 10 Rosebud Lane, raised concerns regarding the use of the proposed roadway and potential traffic to the surrounding residential neighborhood.

Patricia Vanderbeek, Leber Road, discussed the existing stockpiled earth on the site and presented photographs of the site. She complained about the constant noise coming from the site and asked the applicant to use alternate machinery.

Dimiter Termitis, Leber Road, noted that he can see existing stockpiles of earth from his property and opposed the development of the site.

Evmorsis Dzanis, Leber Road, requested that the Board request specific things from the applicant since the neighborhood mistrusts the applicant.

Ron Shapiro, Leber Road, discussed the easement behind Leber Road, noting that he believed there was no vegetation on the easement. Mr. Shapiro requested that the be required to plant some vegetation along the easement to soften and stake the stockpiles. He believed that vegetation would assist in erosion control of the earth piles.

Charles Kuner, Leber Road, requested information regarding the timing of the stockpiles, how long is “temporary”.

Dan Fuller, Leber Road, wanted to know if the stockpiles shown at the meeting are on lot #4 or on other portions of the site. He also wanted vegetation to be planted on the easement between the stockpiles and the easement.

The applicant requested a **CONTINUATION**.

November 10, 2010

Dan Mellion, Joseph Corless and Donald Brenner appeared and testified for the applicant.

The Board received the following communications:

1. A Project Review Committee Report dated November 3, 2010.
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 10, 2010, with an attachment of a letter from the New York State Department of Environmental Conservation, Division of Water, Region 3, dated October 29, 2010, signed by Patrick Ferracane.

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3. An interdepartmental memorandum from the Department of Environmental Management and Engineering, (DEME) Town of Orangetown, signed by Bruce Peters, P.E., dated November 5, 2010.
4. A letter from HDR, signed by Harvey Goldberg, P.E., dated November 9, 2010.
5. Plan prepared by Corless and Associates Engineers, Grading Plan for DEC REQ'TS Building #15 – And 15B Bradley Corporate Park, dated October 4, 2010, Revised November 1, 2010.

The hearing was then opened to the Public.

Dimitri Temidis, 66 Leber Road, discussed prior Board decisions of Bradley Corporate Park and Bluebird Acres Subdivision. He requested information regarding the berm on the site and drainage of the property.

Ron Shapiro, 100 Leber Road, raised concerns regarding the proposed slopes on the site and keeping the proposed roadway for use by emergency vehicles only. He requested that the roadway not be paved and that the two projects before the Board be combined into one item.

Patricia Vanderbeek, 78 Leber Road, played a tape of beeping behind her house and requested the applicant to review alternate methods of signalization. She raised concerns regarding the stockpiling.

Brian Keith, 10 Rosebud Lane, expressed great concerns regarding use of the proposed roadway for office workers to access a residential neighborhood.

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

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

Alice Coulombe, a member of the Friends of the Quaker Meeting House, raised concerns regarding the proposed roadway along their shared property line. Ms Coulombe opposed the roadway.

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Chad Murdock, a member of the Friends of the Quaker Meeting House, opposed the project and requested that the roadway be used only for emergency access to the site.

Jose Bermudez, 22 Leber Road, discussed financially fining the railroad if it blocks the railroad crossing.

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

The proposed action is classified as an “unlisted action” as defined by Section 617.2 (ak) of the New York State Environmental Quality Review Regulations (SEQRR). No agency, other than the Orangetown Planning Board will have any significant involvement in the review process, pursuant to Section 617.6 of SEQRA. On motion by Kevin Garvey and seconded by Jeffrey Golda and carried as follows: Bruce Bond, aye; Andy Stewart, aye; William Young, aye; Robert Dell, absent; John Foody, aye; 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 Joseph Corless and Associates, and the Town of Orangetown’s engineering consultant, Henningson, Durham & Richardson (HDR), and having heard from the following offices, officials and/or Departments: (Town of Orangetown): Project Review Committee, Office of Building, Zoning, Planning Administration and Enforcement and Department of Environmental Management and Engineering; and having heard from the following involved and interested agency: Rockland County Department of Highways, New York State Department of Transportation and New York State Department of Environmental Conservation and having reviewed a proposed “Plan prepared by Corless and Associates Engineers, Grading Plan for DEC REQ’TS Building #15 – And 15B Bradley Corporate Park”, dated October 4, 2010, Revised November 1, 2010, a summary of the reasons supporting this determination are, and the Planning Board finds that the proposed action:

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

On motion by Kevin Garvey and seconded by Jeffrey Golda and carried as follows: Bruce Bond, aye; Andy Stewart, aye; Robert Dell, absent; John Foody, aye; 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 GRADING PLAN APPROVAL FOR BUILDING #15B SUBJECT TO THE FOLLOWING CONDITIONS:**

- 1.** The Board consented to allow the applicant to immediately begin to stabilize the site. The Town of Orangetown Buildings Department shall review the progress of stabilization.
- 2.** The applicant shall file the sewer easement with the Rockland County Sewer District No. 1, or show proof to the Town of Orangetown Town Attorney's Office that it has been filed, prior to signing this Plan.
- 3.** The berm shall be raised to a minimum of 6 feet in height. Trees shall be planted on the berm, each tree being a minimum height of 6 feet each.

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4. The roadway shall be paved, at a minimum width of 22 feet. The Board recommends that a porous material be used in paving the roadway. The road shall be gated and shall be for emergency access only (fire, ambulance, police, and emergency vehicles).
5. The notation of "Future Buildings" shall be removed from the plans.
6. The applicant shall review placing light shields on the building lights on Building #15.
7. 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."
8. 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.
9. The grading plan has been revised to eliminate the soil stockpiles as previously shown. The soil will be used to fill the "hollow" located on 70.06-1-50.4.
10. A North arrow shall be provided on the plan.
11. The New York State Department of Environmental Conservation requires the disturbed areas of the property to be stabilized immediately.
12. The rear of Building #15 needs to be stabilized. The proposed 1 on 2 slope is acceptable.
13. The Short Environmental Assessment Form appears to be in order except item #11 needs "grading" added.
14. The paved emergency access road from Leber Road is shown at 30 feet wide, which needs to be revised in accordance with Condition #4 of this decision. This road is to be used for emergency vehicles only and therefore in accordance with Section 503.5 of the New York State Fire Code, a gate or barricade across the fire apparatus access road shall be installed and maintained as approved by the Fire Chief. The Fire Chief's approval must be in writing to the Planning Board.
15. In accordance to Mr. Skip Vezzetti, Rockland County Highway Superintendent, a Rockland County Highway Department work permit will be required for the proposed construction of the emergency access road, prior to the start of any construction or excavation.

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16. The New York State Department of Environmental Conservation inspected the construction activity on at the project site October 7, 2010 for compliance with the SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-10-001). The inspection report was unsatisfactory due to the following deficiencies which are incorporated herein as conditions of approval:

- 1) The steep slopes of the site have not been stabilized. Proper temporary stabilization measures, such as rolled erosion control mats, or other suitable soil stabilization measures, must be installed at the site immediately.
- 2) The project's stabilized construction entrance must be properly maintained.
- 3) The silt fence must be properly installed and maintained around the project's topsoil stockpile.
- 4) Any areas of the site not under active construction must be temporarily, or permanently stabilized after 14 days.
- 5) Stormdrain inlets must be properly protected with appropriate sediment control measures.

17. The New York State Department of Environmental Conservation requires that all erosion and sediment control deficiencies must be corrected immediately and measures must be installed and maintained in accordance with the New York Standards and Specifications and Sediment Control. Failure to comply may result in violations of the terms and conditions of GP-0-10-001.

18. The Drainage Consultant to the Planning Board reviewed the revised plans dated November 1, 2010, indicating that the applicant still proposed to grade the site, however has eliminated the temporary stockpiling of soil and stone on site. Upon review of this additional plan, the applicant has not provided s SWPPP, or the erosion and sediment control plans, sections and details that supplement it. The removal of undisturbed soil may increase runoff due to changes in CN values. This possibility has not been addressed in the current submittal. Accordingly, the Drainage Consultant cannot recommend acceptance at this time to due incomplete information. The Planning Board held that the applicant shall work with the Town of Orangetown Department of Environmental Management and Engineering to submit and complete the SWPPP and comply with the conditions of the Board's Drainage Consultant.

19. A modification to the existing Stormwater Pollution Prevention Plan for Building #15 is required for this Site Plan.

20. SESC details shall be added to the plans.

21. The Soil Erosion and Sediment Control Plan shall be modified to reflect a "stone-filter" system around the proposed catch basin and other drainage facilities, for keeping out silt and foreign material. A detail for same shall be provided.

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22. The applicant is advised to offer a discussion pertaining to the type, number and frequency of trucks that will utilize the site on a daily basis, hours of operation and means to permit trucking into the roadway for the stockpiling operation.

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

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

25. 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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26. 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.

27. 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.

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

29. 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).

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

31. 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

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

The foregoing Resolution was made and moved by Kevin Garvey and seconded by William Young and carried as follows: Bruce Bond, aye; Andy Stewart, aye; William Young, aye; John Foody, aye; Robert Dell, absent; 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: November 10, 2010

Town of Orangetown Planning Board

Attachment

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

**PB #10-49: Bradley Corporate Park Plan – Grading Plan for Building #15B;
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: Bradley Corporate Park Plan – Temporary Grading Plan for Building #15B; Approval Subject to Conditions/ Neg. Dec.

Unlisted XXXXXX

CONDITIONED NEGATIVE DECLARATION: Yes _____ No XXXXXX

DESCRIPTION OF ACTION: Grading Plan Review –

LOCATION: The site is located at 500 Bradley Hill Road, Blauvelt, New York; and as shown on the Orangetown Tax Map as Section 70.06, Block 1, Lot 50.4; in the LO zoning district.

REASONS SUPPORTING THIS DETERMINATION:

The Orangetown Planning Board, as Lead Agency, determined that the proposed action will not have a significant impact on the environment and a Draft Environmental Impact Statement (DEIS) will not be prepared. The reasons supporting this determination are as follows:

The project will not have a significant impact upon the environment and a DEIS need not be prepared because the proposed action does not significantly affect air quality, surface or ground water quality, noise levels or existing external traffic patterns. In addition, it will have no impact upon the aesthetic, agricultural or cultural resources of the neighborhood. No vegetation, fauna or wildlife species will be affected as a result of this proposed action. The proposed action is consistent with the Town of Orangetown's Master Plan and will not have any adverse economic or social impacts upon the Town or its businesses or residences.

If Conditioned Negative Declaration, the specific mitigation is provided on an attachment.

For Further Information contact:

John Giardiello, P.E., Director, Office of Building, Zoning and Planning
Administration and Enforcement
Town of Orangetown
20 Greenbush Road
Orangeburg, NY 10962
Telephone Number: 845-359-5100

For Type I Actions and Conditioned Negative Declarations, a copy of this notice is sent: - Commissioner, New York State Department of Environmental Conservation, - Region 3 Headquarters, NYSDEC, - Town Supervisor, Applicant, Involved Agencies

**PB #10-51: CVFF Site Development Corporation Site Plan - Final Approval
Subject to Conditions/ Neg. Dec. /Critical Environmental Area**

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TO: John Verdigi, 420 Paulding Avenue, Northvale, New Jersey 07647
FROM: Orangetown Planning Board

RE: CVFF Development Corporation Site Plan: Application of CVFF Development Corporation, applicant, for Mary and Max Kaplan, Trustee of the Kaplan Family Trust, owners, for Prepreliminary/Preliminary/Final Site Plan Amendment Review for a site known as "CVFF Development Corporation Site Plan Amendment", 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 789 Route 9W, Upper Grandview, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 75.05, Block 1, Lot 8; in the R-22 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **November 10, 2010** at which time the Board made the following determinations:

Robert Costa and John Verdigi appeared and testified for the applicant.

The Board received the following communications:

1. A Project Review Committee Report dated November 3, 2010.
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 10, 2010.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering, (DEME) Town of Orangetown, signed by Bruce Peters, P.E., November 5, 2010.
4. A letter from HDR signed by Harvey Goldberg, P.E., dated November 1, 2010.
5. Letters from the Rockland County Department of Planning, signed by Salvatore Corallo, Commissioner of Planning, dated November 8, 2010.
6. Letters from Rockland County Department of Highways, signed by Joseph Arena, Principal Engineering Technician, dated October 26, 2010.
7. Letters from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated October 4 & 5, 2010.

**PB #10-51: CVFF Site Development Corporation Site Plan - Final Approval
Subject to Conditions/ Neg. Dec. /Critical Environmental Area**

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8. A letter from the Rockland County Sewer District #1, signed by Joseph LaFiandra, Engineer II, dated November 1, 2010.
9. A letter from the Town of Orangetown Zoning Board of Appeals, signed by William Mowerson, Chairman, dated September 29, 2010.
10. A letter from the New York State Department of Transportation, signed by Mary Jo Russo, P.E., dated October 27, 2010.
11. A letter from the Village of Grand View-on-Hudson, signed by Donald Vernon, Chairman, Planning Board, dated October 8, 2010.
12. A Short Environmental Assessment Form undated, unsigned.
13. Site Plan prepared by Costa Engineering Corporation, dated June 12, 2009, last revised August 19, 2009.

The Board reviewed the plan.

Public Comment:

Mary Kaplan, 789 Route 9W, property owner, discussed the installation of the retaining walls and the future responsibility if damage occurs to the walls. She requested to see a profile of the project, which a Planning Board Member produced as submitted by the applicant as part of the project file.

Madeline Bryer, 787 Route 9w, requested that the Board approve the project since the runoff from the site impacts her property.

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

**PB #10-51: CVFF Site Development Corporation Site Plan - Final Approval
Subject to Conditions/ Neg. Dec. /Critical Environmental Area**

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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 Robert Costa, P.E. and the Town of Orangetown's engineering consultant, Henningson, Durham & Richardson (HDR), and having heard from the following offices, officials and/or Departments: (Town of Orangetown): Project Review Committee, Office of Building, Zoning, Planning Administration and Enforcement and Department of Environmental Management and Engineering; and having heard from the following involved and interested agencies: Rockland County Department of Planning, Rockland County Department of Highways, Rockland County Department of Health, Rockland County Sewer District #1, New York State Department of Transportation and the Village of Grand View-on-Hudson and having reviewed a proposed Site Plan by prepared by Robert Costa, P.E., 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 Kevin Garvey and seconded by Andy Stewart and carried as follows: Bruce Bond, aye; Andy Stewart, aye; Robert Dell, absent; John Foody, aye; 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 SITE PLAN APPROVAL SUBJECT TO THE FOLLOWING CONDITIONS:

1. The applicant's engineer agreed to certify any and all project construction under this application.
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."
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 Short Environmental Assessment Form needs to be signed and dated by the applicant.

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5. Erosion and sediment controls shall be shown for all disturbed areas and the final stabilization of disturbed areas indicated on the plan.

6. Approval from the New York State Department of Transportation is required prior to the start of any construction as shown on the plan.

7. The site is situated on the east side of NYS Route 9W in Upper Grandview. The site (Lot 8) was the subject of a previously approved Site Plan in 2003. The site contains a two story frame dwelling and a garage with a driveway with access from Route 9W. The Applicant indicates that runoff from the driveway on Lot 8 flows onto adjacent Lot 9 to the south. The Applicant proposes to install a new curb and to regrade the driveway to divert the runoff away from Lot 9. Based on the Drainage Consultant's review of the submitted plans, the Consultant believes that the proposed concept of diverting the runoff from a small portion of the existing driveway will not have a significant impact on drainage and therefore recommended acceptance for drainage subject to the following conditions:

- Provide a large scale plan showing the existing and proposed paths of the runoff that will be diverted. Provide existing and proposed spot elevations that will justify the flow paths.
- Additional conditions may be added based on response to these conditions.

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

A review shall be completed by the New York State Department of Transportation and any required permits obtained.

A review shall be completed by the Villages of Piermont and Grand View-on-Hudson and South Nyack and their comments considered and satisfactorily addressed.

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.

9. The Rockland County Department of Highway reviewed the plans and information provided and found the proposed action shall have a de minimus impact upon county roads in the area.

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

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

12. New York State Department of Transportation (NYSDOT) reviewed the proposed work and found that a small portion of the work is on the NYSDOT right of way and a highway work permit will be required.

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

- Rockland County Department of Planning
- Rockland County Department of Highways
- Rockland County Health Department
- Town of Orangetown Zoning Board of Appeals
- Rockland County Sewer District #1
- New York State Department of Transportation
- Village of Grand View-on-Hudson

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

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

16. 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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17. 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.

18. 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.

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

20. 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).

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

22. 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

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

The foregoing Resolution was made and moved by Kevin Garvey, seconded by William Young and carried as follows: Bruce Bond, aye; Andy Stewart, aye; William Young, aye; John Foody, aye; Robert Dell, absent; 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: November 10, 2010

Town of Orangetown Planning Board

attachment

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

**PB #10-51: CVFF Site Development Corporation Site Plan - Final Approval
Subject to Conditions/ Neg. Dec. /Critical Environmental Area**

**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: CVFF Site Development Corporation Site Plan

SEQR STATUS: Type I _____ Unlisted XXXXXX

CONDITIONED NEGATIVE DECLARATION: Yes _____ No XXXXXX

**DESCRIPTION OF ACTION: - Final Site Approval Subject to Conditions/
Neg. Dec. /Critical Environmental Area**

LOCATION: The site is located at 789 Route 9W, Upper Grandview, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 75.05, Block 1, Lot 8; 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 #10-52: 115 Route 303 Internal Commercial Subdivision Plan:
Amendment to Preliminary Approval and Final Approval Subject to
Conditions**

Town of Orangetown Planning Board Decision

November 10, 2010

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TO: Jonathan Hodosh, 60 South Main Street, New City, New York,
FROM: Orangetown Planning Board
RE: 115 Route 303 Internal Commercial Subdivision Plan: The application of Jonathan Hodash, applicant, for Lawrence Kupferschmid, owner, for an Amendment to Preliminary Internal Commercial Subdivision Plan (PB #10-24, dated July 14, 2010) and Final Internal Commercial Subdivision Plan Review, for a site to be known as "115 Route 303 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 115 Route 303, Tappan, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 77.07, Block 2, Lot 1; in the LI zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, November 10, 2010**, the Board made the following determinations:

Jonathan Hodosh and Lawrence Kupferschmid appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated November 3, 2010.
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 10, 2010.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., November 5, 2010.
4. A letter from Rockland County Department of Planning, signed by Salvatore Corallo, Commissioner of Planning, dated November 8, 2010.
5. A letter from the New York State Department of Transportation, signed by Mary Jo Russo, P.E., Rockland County Permit Engineer, dated November 10, 2010.
6. A letter from George Hodosh Associates – Architects, P.C., signed by Jonathan B. Hodosh, NCARB, President, dated October 6, 2010.
7. Copies of the following Board Decisions: ACABOR #10-34, dated September 2, 2010, Approved with Conditions and PB #10-24, dated July 14, 2010, Preliminary Approval Subject to Conditions, Neg. Dec.

**PB #10-52: 115 Route 303 Internal Commercial Subdivision Plan:
Amendment to Preliminary Approval and Final Approval Subject to
Conditions**

**Town of Orangetown Planning Board Decision
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8. Plans prepared by Jonathan Hodosh, R.A., dated March 10, 2010, last revised October 5, 2010:

- Cover Sheet
- D1: First Floor Demolition Plan
- A1: First Floor Plan & Restroom Plan
- A2: Front Elevation & Details
- E1: First Floor Electrical Plan
- GN: General Notes

9. Copy of a Site Plan.

10. Presented by the applicant a letter from the New York State Department of Environmental Conservation dated October 13, 2010, stating that no permits were required for this project.

Public Comments:

John Dean, 30 Pine Tree Lane, read a letter into the record regarding the original intent of the rezoning of the property in the 1960's. At that time, the Planning Board required a natural buffer along the property line and that no vehicular access from Kings Highway be allowed. Mr. Dean requested that the current Planning Board maintain the original intent of the Planning Boards requirements.

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

DECISION:

1) In view of the foregoing and the testimony before the Board, the Board GRANTED AN AMENDMENT TO THE PRELIMINARY INTERNAL COMMERCIAL SUBDIVISION PLAN APPROVAL, PB #10-24, dated July 10, 2010. THE AMENDMENTS ARE AS FOLLOWS:

Delete Condition #2 of PB #10-24:

#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

**PB #10-52: 115 Route 303 Internal Commercial Subdivision Plan:
Amendment to Preliminary Approval and Final Approval Subject to
Conditions**

**Town of Orangetown Planning Board Decision
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Delete Condition #7 of PB #10-24:

#7. An overall site plan shall be supplied depicting all utilities, easements (if any), roadway and curbing, drainage facilities, existing sanitary building connections, etc.

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

2) In view of the foregoing and the testimony before the Board, the Board GRANTED FINAL INTERNAL COMMERCIAL SUBDIVISION PLAN APPROVAL SUBJECT TO 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:
 - The Fire Sprinkler system shall be certified to be able to protect the commodity stored in each section.
 - The Fire Alarm system shall be upgraded and be zoned for each section
 - Each tenant shall apply for and maintain a Certificate of Compliance Fire Safety.
 - Each tenant space shall have its own amber strobe and key box.
3. The applicant shall comply with all pertinent items in the Guide to the Preparation of Subdivision Plats prior to signing the final plans.
4. All reviews and approvals from various governmental agencies must be obtained prior to stamping of the Subdivision Plan.
5. The applicant shall comply with all pertinent and applicable conditions of previous Board decisions: ACABOR #10-34, dated September 2, 2010, Approved with Conditions and PB #10-24, dated July 14, 2010, Preliminary Approval Subject to Conditions, Neg. Dec.

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

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

Dated: November 10, 2010

Town of Orangetown Planning Board

PB #10-54: Zugibe and Holt In-Ground Pool Site Plan – Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec. /Critical Environmental Area

Town of Orangetown Planning Board Decision

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

FROM: Orangetown Planning Board

RE: Zugibe and Holt In-Ground Pool Site Plan: Application of Jack Holt, applicant, for Patricia Zugibe and Jack Holt, owners, for Prepreliminary/Preliminary Site Plan Review for a site known as “Zugibe and Holt In-Ground Pool Site Plan”, located in the Critical Environmental Area, in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21A of the Code of the Town of Orangetown 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 1 North Tweed Boulevard, Upper Grandview, Town of Orangetown, Rockland County, New York; and as shown on the Orangetown Tax Map as Section 70.08, Block 1, Lot 5; in the R-40 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **November 10, 2010** at which time the Board made the following determinations:

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

The Board received the following communications:

1. A Project Review Committee Report dated November 3, 2010.
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 10, 2010.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering, (DEME) Town of Orangetown, signed by Bruce Peters, P.E., November 5, 2010.
4. A letter from HDR signed by Harvey Goldberg, P.E., dated November 3, 2010.
5. Letters from the Rockland County Department of Planning, signed by Salvatore Corallo, Commissioner of Planning, dated November 1, 2010.
6. A letter from Rockland County Department of Highways, signed by Joseph Arena, Principal Engineering Technician, dated November 3, 2010.
7. Letters from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated October 18, 2010.
8. A letter from the Rockland County Drainage Agency, signed by Shajan S. Thottakara, P.E., dated October 22, 2010.

PB #10-54: Zugibe and Holt In-Ground Pool Site Plan – Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec. /Critical Environmental Area

Town of Orangetown Planning Board Decision

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9. A letter from the Rockland County Sewer District #1, signed by Joseph LaFiandra, Engineer II, dated November 1, 2010.
10. Letters from the Palisades Interstate Park Commission, signed by Karl B. Roecher, Landscape Architect, dated October 21, 2010.
11. A letter from the Town of Orangetown Zoning Board of Appeals, signed by William Mowerson, Chairman, dated October 20, 2010.
12. A Full Environmental Assessment Form dated September 30, 2010, signed by John Atzl, PLS.
13. Site Plan prepared by Atzl, Scatassa & Zigler, P.C., dated October 5, 2010.

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

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

PB #10-54: Zugibe and Holt In-Ground Pool Site Plan – Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec. /Critical Environmental Area

**Town of Orangetown Planning Board Decision
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having deliberated regarding such concerns, and having heard from the applicant, the applicant's professional representatives, namely Atzl, Scatassa & Zigler, P.C., and the Town of Orangetown's engineering consultant, Henningson, Durham & Richardson (HDR), and having heard from the following offices, officials and/or Departments: (Town of Orangetown): Project Review Committee, Office of Building, Zoning, Planning Administration and Enforcement and Department of Environmental Management and Engineering; and having heard from the following involved and interested agencies: Rockland County Department of Planning, Rockland County Department of Highways, Rockland County Department of Health, Rockland County Drainage Agency, Rockland County Sewer District #1 and Palisades Interstate Park Commission, and having reviewed a proposed Site Plan by prepared by Atzl, Scatassa & Zigler, P.C., a summary of the reasons supporting this determination are, and the Planning Board finds that the proposed action:

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

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

PB #10-54: Zugibe and Holt In-Ground Pool Site Plan – Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec. /Critical Environmental Area

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

1. The following note shall be placed on the Site Plan: “At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a meeting.”
2. The following note shall be placed on the Site Plan regarding Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.
3. This Site Plan is for a proposed pool. The pool requires a review by the Town of Orangetown Zoning Board of Appeals. The Minimum Side Yard is 30 feet and 11 feet is existing for the residence as per a prior Zoning Board of Appeals variance. The proposed pool requires an 11 foot variance.
4. The Full Environmental Assessment Form appears to be in order.
5. Approval from the Palisades Interstate Park Commission will be required.
6. The Planning Board waives the requirement of appearing in front of the Town of Orangetown Architecture and Community Appearance Board of Review for review of this project since no above grade structures are proposed for this site.
7. The site is situated on the east side of Tweed Boulevard in Upper Grandview. The 1.40 acre site contains a two story frame dwelling and garage with a gravel driveway with access from Tweed Boulevard.

The Applicant proposes to construct a concrete pool and patio in the rear of the dwelling. A single Drawing No. 1, dated October 5, 2010 has been submitted. The drawing indicates that the proposed pool and patio (1,126SF) will be constructed above an existing rock outcrop such that the increase in impervious area will be 371SF.

PB #10-54: Zugibe and Holt In-Ground Pool Site Plan – Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec. /Critical Environmental Area

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Continuation of Condition #7...

Based on the Planning Board's Drainage Consultant's review of the submitted plans, it appears that the proposed increase of 371SF of impervious area should not have a significant impact on drainage. However, under existing conditions, runoff flows off the site as sheet flow across the width of the proposed pool. Under developed conditions, it is unclear how the runoff from the 1,126SF of pool and patio will be discharged; will it be sheet flow or concentrated flow? The Drainage Consultant therefore recommend acceptance for drainage subject to the following conditions:

- The Applicant must add sufficient plans, sections and details to the drawings that show the path(s) of runoff from the developed site. If the runoff flows off the site as concentrated flow, the Board's Consultant recommends that a level spreader or stone filled infiltration trench be provided for mitigation.
- Additional conditions may be added based on response to these conditions.

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

The concerns expressed in the October 21, 2010 letter from the Palisades Interstate Park Commission shall be addressed.

A review shall be completed by the Rockland County Highway Department and any required permits obtained.

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

There shall be no net increase in stormwater runoff.

The Rockland County Department of Planning requests the opportunity to review any zoning variances that may be needed to implement the Site Plan as its required under New York State General Municipal Law Section 239-(3)(a)(v).

9. The Rockland County Department of Highway reviewed the plans and information provided and offer the following comments for consideration:

Due to the steep narrow driveway and the proximity of the southern property line in relationship to the house structures and location of the pool, the applicant shall provide details of how access to the site will be obtained to allow for construction vehicles, equipment, removal of soil etc. associated with the installation of the pool.

PB #10-54: Zugibe and Holt In-Ground Pool Site Plan – Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec. /Critical Environmental Area

**Town of Orangetown Planning Board Decision
November 10, 2010
Page 6 of 8**

Continuation of Condition #9...

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

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

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

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

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 our review of the information provided.

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

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

13. The Palisades Interstate Park Commission provided the following comments based on a site visit and review of the plans:

1) During the site visit, and subsequent discussion with the applicant, it was agreed that the pool and concrete patio might better be moved further toward the north to protect the root system of large trees on park property. Because there exists significant exposed bedrock within the zone, the Park Commission typically requests a 25 foot undisturbed vegetative buffer. However in this instance, the Park Commission understands that this may not be warranted in this situation.

2) The Site Plan shall indicate the location and size of existing trees that shall be protected along the shared property line.

3) Confirm by an accurate on-site survey where the shared property line exists prior to the installation of the proposed 4 foot black vinyl coated chain link fence.

PB #10-54: Zugibe and Holt In-Ground Pool Site Plan – Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec. /Critical Environmental Area

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

- Rockland County Department of Planning
- Rockland County Drainage Agency
- Rockland County Health Department
- Town of Orangetown Zoning Board of Appeals
- Rockland County Sewer District #1
- Palisades Interstate Park Commission

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

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

17. 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.

PB #10-54: Zugibe and Holt In-Ground Pool Site Plan – Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec. /Critical Environmental Area

**Town of Orangetown Planning Board Decision
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18. 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.

19. 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.

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

21. 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).

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

23. 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

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

The foregoing Resolution was made and moved by Kevin Garvey, seconded by William Young and carried as follows: Bruce Bond, aye; Andy Stewart, aye; William Young, aye; John Foody, aye; Robert Dell, absent; 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: November 10, 2010

Town of Orangetown Planning Board

attachment

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

**Zugibe and Holt In-Ground Pool Site Plan – Preliminary Site Plan Approval
Subject to Conditions/ Neg. Dec. /Critical Environmental Area**

**Town of Orangetown Planning Board Decision
November 10, 2010**

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: Zugibe and Holt In-Ground Pool Site Plan

SEQR STATUS: Type I _____ Unlisted XXXXXX

CONDITIONED NEGATIVE DECLARATION: Yes _____ No XXXXXX

**DESCRIPTION OF ACTION: - Preliminary Site Plan Approval Subject to
Conditions/ Neg. Dec. /Critical Environmental Area**

LOCATION: The site is located at 1 North Tweed Boulevard, Upper Grandview, Town of Orangetown, Rockland County, New York; and as shown on the Orangetown Tax Map as Section 70.08, Block 1, Lot 5; in the R-40 zoning district.

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 #10-55: The Mews at Pearl River Site Plan – Final Site Plan Approval
Subject to Conditions/ Neg. Dec. /PAC /CS Zoning District**

**Town of Orangetown Planning Board Decision
November 10, 2010
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TO: Donald Brenner, PE, LL.B, 4 Independence Avenue, Tappan,
New York 10983
FROM: Orangetown Planning Board

RE: The Mews at Pearl River Site Plan: The application of Skyview Plaza LLC, owner, (Donald Brenner, attorney for the applicant) for Preliminary/ Preliminary/ Final Site Plan Review at a site known as “The Mews at Pearl River 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 21 East Central Avenue, Pearl River, Town of Orangetown, Rockland County, New York; and as shown on the Orangetown Tax Map as Section 68.16, Block 6, Lot 62; in the PAC zone – CS zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **November 10, 2010** at which time the Board made the following determinations:

Donald Brenner and Ed Lane appeared and testified.

The Board received the following communications:

1. A Project Review Committee Report dated November 3, 2010.
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 10, 2010.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering, (DEME) Town of Orangetown, signed by Bruce Peters, P.E., November 5, 2010.
4. A letter from Rockland County Department of Highways, signed by Sonny Lin, P.E. dated November 8, 2010.
5. Letters from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated October 29, 2010.
6. A letter from the Rockland County Sewer District #1, signed by Joseph LaFiandra, Engineer II, dated November 1, 2010.
7. A copy of a letter from John T. Collins, Ph.D., P.E., to Donald Brenner, P.C., dated April 7, 2010.

**PB #10-55: The Mews at Pearl River Site Plan – Final Site Plan Approval
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**Town of Orangetown Planning Board Decision
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8. A letter from the Town of Orangetown Zoning Board of Appeals, signed by William Mowerson, Chairman, dated November 3, 2010.
9. A Short Environmental Assessment Form dated October 25, 2010, signed by Edmund Lane.
10. Plans prepared by Jay A. Greenwell, PLS, LLC:
 - Site Plan, dated September 10, 2010
 - Survey of Property, dated October 12, 2010
11. Architectural Plans prepared by James Tanner, R.A.:
 - Drawing 1 of 2: Second Floor Plan, dated December 7, 2009, revised September 16, 2010
 - Drawing 2 of 2: Third Floor Plan, dated September 18, 2008, revised December 7, 2009
12. A copy of Town of Orangetown Town Board Resolution Number 552, The Mews at Pearl River/ Zone Change/ PAC Skyline Plaza LLC, dated September 14, 2010.

The Board reviewed the plan.

Public Comment:

Andrew Wiley, 30 North William Street, a local businessman, raised concerns regarding adequate parking for other businesses and residents in Downtown Pearl River if the building was allowed to be used as PAC. He discussed the past history of the project site.

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

Reaffirmation of SEQRA

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

**PB #10-55: The Mews at Pearl River Site Plan – Final Site Plan Approval
Subject to Conditions/ Neg. Dec. /PAC /CS Zoning District**

**Town of Orangetown Planning Board Decision
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having deliberated regarding such concerns, and having heard from the applicant, the applicant's professional representatives, namely Jay A. Greenwell, PLS and James Tanner, R.A., and having heard from the following offices, officials and/or Departments: (Town of Orangetown): Project Review Committee, Office of Building, Zoning, Planning Administration and Enforcement and Department of Environmental Management and Engineering; and having heard from the following involved and interested agencies: Rockland County Department of Highways, Rockland County Department of Health, and Rockland County Sewer District #1 and having reviewed a proposed Site Plan and Architectural Plans by prepared by Jay A. Greenwell, PLS and James Tanner, R.A., a summary of the reasons supporting this determination are, and the Planning Board finds that the proposed action:

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

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

**PB #10-55: The Mews at Pearl River Site Plan – Final Site Plan Approval
Subject to Conditions/ Neg. Dec. /PAC /CS Zoning District**

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

1. The following note shall be placed on the Site Plan: “At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a meeting.”
2. The following note shall be placed on the Site Plan regarding Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.
3. On September 14, 2010, the Orangetown Town Board granted the mixed use for 14 apartments above retail by changing the Zone District from “CS” to “PAC”.
4. In accordance with the “PAC” Zone District, Section 4.63 mixed uses are permitted with retail, personal service establishments, offices and restaurants on the ground floor and senior citizens located on the floors above.
5. There are no exterior changes to the site amenities.
6. The location of the existing sanitary building connection shall be given on the Site Plan.
7. The Rockland County Department of Highway reviewed the plans and information provided and offer the following comments for consideration:
For the drawings prepared by Jay A. Greenwell, PLS, the one entitled, “Skyview Plaza” shall be changed to “Mews at Pearl River”.
The on-site structure was originally a theater along with community shopping areas until its closure a few years back. The internal space subdivision was proposed for a conversion of a mixed use of office-retail space on the first floor and senior citizen housing in the form of apartment units on the second and third floor. The Orangetown Zoning Board of Appeals has recently approved the zone change from CS to PAC classification for this property. Rockland County Department of Highway has indicated that parking should be contained on site for its needs in accordance with current Town Zoning Code requirements. On a traffic report prepared by John Collins Engineers, on April 7, 2010, the proposed

**PB #10-55: The Mews at Pearl River Site Plan – Final Site Plan Approval
Subject to Conditions/ Neg. Dec. /PAC /CS Zoning District**

**Town of Orangetown Planning Board Decision
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Continuation of Condition #7.....

mixed use is shown to have less traffic on and along the adjoining roadways that would be generated by a movie theatre of the same size that formerly occupied the site. The former theatre usage closed its door nearly ten years ago. The neighborhood character has evolved. Off-site parking used by the residents and the future business in this building will have impact on the existing establishment. However, in the course of review by the Orangetown Town Board, it was determined that parking at the area will not have a significant impact on the environment.

A Rockland County Highway Department Work Permit will be required prior to the commencement of on-site improvement. The applicant shall comply in the planning and /or development process.

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

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

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

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

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.

**PB #10-55: The Mews at Pearl River Site Plan – Final Site Plan Approval
Subject to Conditions/ Neg. Dec. /PAC /CS Zoning District**

**Town of Orangetown Planning Board Decision
November 10, 2010
Page 6 of 6**

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 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 Kevin Garvey, seconded by John Foody and carried as follows: Bruce Bond, aye; Andy Stewart, aye; William Young, aye; John Foody, aye; Robert Dell, absent; 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: November 10, 2010

Town of Orangetown Planning Board

attachment

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

**PB #10-55: the Mews at Pearl River Site Plan – Final Site Plan Approval
Subject to Conditions/ Neg. Dec. /PAC /CS Zoning District**

**Town of Orangetown Planning Board Decision
November 10, 2010**

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: The Mews at Pearl River Site Plan

SEQR STATUS: Type I _____ Unlisted XXXXXX

CONDITIONED NEGATIVE DECLARATION: Yes _____ No XXXXXX

**DESCRIPTION OF ACTION: - Final Site Plan Approval Subject to
Conditions/ Neg. Dec. /PAC /CS Zoning District**

LOCATION: The site is located at 21 East Central Avenue, Pearl River, Town of Orangetown, Rockland County, New York; and as shown on the Orangetown Tax Map as Section 68.16, Block 6, Lot 62; in the PAC zone – CS 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
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Telephone Number: 845-359-5100

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