

**TOWN OF ORANGETOWN PLANNING BOARD
MEETING OF NOVEMBER 28, 2007**

MEMBERS PRESENT:

Bruce Bond, Chairperson, Kevin Garvey, Vice-Chairperson, Anthony Iurica, Jeffrey Golda, Robert Dell and John Foody

MEMBERS ABSENT: William Young

ALSO PRESENT:

Mike Manzara, Building Inspector, Cheryl Coopersmith, Chief Clerk, Robert Magrino, Deputy Town Attorney and Ann Marie Ambrose, Stenographer

Bruce Bond, Chairperson called the meeting to order at 7:35 P.M.

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

Continued from the January 11, 2007 Meeting:

Perry Site Plan Prepreliminary/Preliminary Site Plan and SEQRA Review Critical Environmental Area 71.05/2/12.2; RG zone	Postponed to January 9th Meeting	PB #07-11
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New Items:

Interdenominational Christian Fellowship of U.S Plans Prepreliminary/Preliminary Site Plan and Change of Use and SEQRA Review 77.10/3/57; R-15 zone	Continued: Submit Traffic Study	PB#07-67
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Hanlon Subdivision Plan Final Subdivision Plan Review 77.10/2/41; R-15 zone	Final Approval Subject to Conditions	PB #07-68
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Orangetown Animal Hospital Site Plan Prepreliminary/Preliminary Site Plan and SEQRA Review 70.14/4/21; LO zone	Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec.	PB #07-69
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November 28, 2007 Planning Board Meeting

Continued Item from the September 26, 2007 Meeting:

Hillside Commercial Park Subd. Plan	Postponed to	PB #07-44
Prepreliminary/Preliminary/Final	December 12th Meeting	
Subdivision Plan and SEQRA Review		
68.16/1/1 and 68.11/3/39 & 40; LI zone		

Continued Item from the September 26, 2007 Meeting:

Hillside Commercial Park Site Plan	Postponed to	PB #07-45
Prepreliminary/Preliminary Site Plan	December 12th Meeting	
and SEQRA Review		
68.16/1/1 and 68.11/3/39 & 40; LI zone		

The decisions of the November 14, 2007 Planning Board Meeting was reviewed, edited and approved. The motion for adoption was made and moved by John Foody and seconded by Kevin Garvey and carried as follows: Bruce Bond, aye; Anthony Iurica, aye; Jeffrey Golda, aye, Robert Dell, aye; Kevin Garvey, aye, John Foody, aye and William Young, absent.

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, seconded by Anthony Iurica and agreed to by all in attendance. The meeting was adjourned at 8:45 P.M.

The next Planning Board meeting is scheduled for December 12, 2007.

DATED: November 28, 2007
Planning Board Town of Orangetown

**TOWN OF ORANGETOWN
PLANNING BOARD DECISION**

**Hanlon Subdivision Plan
Final Approval Subject
To Conditions/Neg. Dec.**

**PB #07-68
November 28, 2007
Page 1 of 7**

TO: Donald Brenner
4 Independence Ave.
Tappan, NY 10983

FROM: Orangetown Planning Board

RE: The application of Carole Hanlon, owner, for Final Subdivision Plan Review for a proposed two lot subdivision to be known as "**Hanlon 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 65 Western Highway, Tappan, Town of Orangetown, Rockland County, New York and as shown on the Orangetown Tax Map as Section 77.10, Block 2, Lot 41 in the R-15 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held Wednesday, November 28, 2007, at which time the Board made the following determinations:

Donald Brenner and Jay Greenwell appeared and testified.
The Board received the following communications:

1. A Project Review Report dated November 21, 2007.
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 28, 2007.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated November 26, 2007.
4. A letter from HDR Engineering, signed by Harvey Goldberg, P.E., dated November 13, 2007.
5. A letter from the Rockland County Department of Planning, signed Salvatore Corallo, Commissioner of Planning, dated November 26, 2007.
6. Letters from Rockland County Highway Department, signed by Joseph Arena, Principal Engineering Technician, dated November 20 & 26, 2007, with an attachment.
7. A letter from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated October 26, 2007
8. An interdepartmental memorandum Office of Parks & Recreation, Town of Orangetown, signed by Richard Rose, Superintendent, dated October 31, 2007.

9. Drainage Analysis prepared by Edward Maikish, P.E., dated October 15, 2007.
10. Plans prepared by Jay A. Greenwell, PLS, LLC, dated December 4, 2006, revised October 9, 2007:
 - Sheet 1: Subdivision of Property for Hanlon
 - Sheet 2: Grading, Drainage & Utility Plan with Erosion Control
11. ACABOR #07-69, Approved Subject to Conditions, dated November 8, 2007, Copy of ZBA #07-86, Granted Variances, dated September 5, 2007 and PB #07-36, Preliminary Approval Subject to Conditions, dated May 23, 2007.

The hearing was then opened to the Public. There being no one to be heard from the Public, a motion was made to close the Public Hearing portion of the meeting by Kevin Garvey seconded by Anthony Iurica and carried as follows: Bruce Bond, aye, Anthony Iurica, aye, John Foody, aye, William Young, absent, Robert Dell, aye, Jeffrey Golda, aye, and Kevin Garvey, aye.

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

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

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

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

- 3.** The applicant shall comply with all pertinent and applicable conditions of all previous Board Decisions: ACABOR #07-69, Approved Subject to Conditions, dated November 8, 2007, Copy of ZBA #07-86, Granted Variances, dated September 5, 2007 and PB #07-36, Preliminary Approval Subject to Conditions, dated May 23, 2007.
- 4.** The revised Drainage Calculations are currently under review by DEME.
- 5.** The Drainage Consultant recommends acceptance without conditions.
- 6.** Any public sewer main requiring extensions within a right of way or an easement shall be reviewed and approved by the Rockland County Health Department prior to construction.
- 7.** New subdivision requiring water main extensions and all public water supply improvements shall be reviewed by the Rockland County Department of Health prior to construction. Plans must be signed and stamped by a NYS Professional Licensed Engineer and shall be accompanied by a completed NYS Department of Health Form 348, which must be signed by the public water supplier.
- 8.** Pursuant to the Rockland County Stream Control Act, the subdivision map must be reviewed and signed by the Chairman of the Rockland County Drainage Agency before the County Clerk will accept the plan for filing.
- 9.** Prior to the start of construction or grading, a Soil Erosion and Sediment Soil Erosion and Sediment Control Plans and details shall be submitted to the Town of Orangetown Department of Environmental Management and Engineering for review and approval. The Soil Erosion and Sediment Control Plan shall meet the NYS Guidelines for Urban Erosion and Sediment Control.
- 10.** Water is a limited resource in Rockland County; thus proper planning and phasing of this project are critical to supplying the current and future residents of the Towns, Villages and County with an adequate supply of water. Prior to approval of the proposed project, a letter from the public water supplier, shall be issued, indicating that there will be sufficient water supply during peak demand periods and in a drought situation.
- 11.** There shall be no net increase in storm water runoff from the site.
- 12.** The Rockland County Highway Department reviewed the plans and found that the proposed design is acceptable as submitted and is now prepared to accept an application for a Highway Department Work Permit. A copy of the drainage calculations will be presented to the Highway Department for additional review during the permit process.
- 13.** Rockland County Department of Health have not objection to the approval of this subdivision, comments from the April 23, 2007 have been addressed.

14. Prior to signing the Subdivision Map, the applicant shall provide Money in Lieu of Recreational Land, in accordance with Section 21-20 of the Land Development Regulations of the Town of Orangetown; \$9,000.00 for every new residential lot created. The applicant shall also provide money to be placed into the Stream Maintenance Fund, at the amount of \$80.00 for every new residential lot created.

15. Based upon the Rockland County Drainage Agency's (RCDA) evaluation of available mapping and the 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 Chapter 846, Rockland County Stream Control Act, is not requested based upon its review of the information provided. The review and approvals concerning drainage and stormwater management conditions in this matter appear to be within the jurisdiction of the appropriate Town of Orangetown land use board(s) and municipal departments. However, the Town of Orangetown land use board(s) should carefully review any proposed additional impervious surface in close proximity to the Sparkill Creek floodplain for its potential off site impacts. The RCDA recommends that the Town of Orangetown land use board(s) consider requiring mitigating measures for stormwater management systems for development proposed outside the RCDA's jurisdiction, but in close proximity to designated floodplains.

16. All subdivision maps must be signed by the Chairman of the Rockland County Drainage Agency (RCDA) before the Rockland County Clerk will accept for filing. The final approved subdivision map must be submitted to the RCDA for review.

17. The following note shall be placed on the subdivision map:

TREE PROTECTION: 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

Continuation of Condition #17....

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 walled and/or preserved in a raised bed, with the tree well a radius of three (3) feet larger than the tree canopy.

18. All landscaping shown on the 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.
25. The applicant shall comply with all pertinent and applicable items in the Guide to the Preparation of Subdivision Plans, prior to signing the final plans.
26. All reviews and approvals from various governmental agencies must be obtained prior to stamping of the subdivision plan.

OVERRIDE:

The Board made a motion to override condition #8 of the Rockland County Department of Planning letter, dated November 26, 2007, signed by Salvatore Corallo, Commissioner.

#8: We previously requested the opportunity to review any variances that may be required to implement the proposed subdivision plan, as required by New York State General Municipal Law, Section 239-m (3)(a)(v). It is our understanding that the Orangetown Zoning Board of Appeals reviewed and acted upon bulk and area variances that were requested to implement the subject subdivision plan on September 5, 2007, though no review had been requested from or provided by this Department. As required under the General Municipal Law, variances for properties such as the subject property are to be referred to this Department based upon the requirements of Section 239-m of the General Municipal Law.

The Planning Board overrode Modification #8 since the Rockland County Department of Planning had a chance to review the plans at Preliminary Planning Board level. The Planning Board is satisfied with the Town of Orangetown Zoning Board of Appeals review and Rockland County Planning Board's review of the project. A motion was made by Anthony Iurica, seconded by Kevin Garvey and carried as follows: Bruce Bond, aye; Anthony Iurica, aye; William Young, absent; Robert Dell, aye; John Foody, aye; Jeffrey Golda, aye and Kevin Garvey, aye.

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

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

Dated: November 28, 2007

Planning Board	BY: _____	decd.
Planning Board	OBZPAE RC Planning	RC Drainage RC Highway
Env. Mgt. Eng.	LMS	Town Board Assessor Town Attorney
PRC	Supr	

**TOWN OF ORANGETOWN
PLANNING BOARD DECISION**

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

**PB #07- 69
November 28, 2007
Page 1 of 11**

TO: Donald Brenner, P.E., LL.B.
4 Independence Avenue
Tappan, New York 10983

FROM: Orangetown Planning Board

RE: The application of the Orangetown Animal Hospital, owner, for Preliminary/Preliminary Site Plan for an addition at a site known as "**Orangetown Animal Hospital Site Plan**", in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21A of the code of the Town of Orangetown. The site is located at 564 Route 303, Blauvelt, Town of Orangetown, Rockland County, New York and as shown on the Orangetown Tax Map as Section 70.14, Block 4, Lot 21 in the LO zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held November 28, 2007, at which time the Board made the following determinations:

Donald Brenner and Anthony Celentano appeared and testified.

The Board received the following communications:

1. A Project Review Memo dated November 21, 2007.
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 28, 2007.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering, (DEME) Town of Orangetown, signed by Bruce Peters, P.E., dated November 26, 2007.
4. A letter from HDR/LMS, signed by Harvey Goldberg, P.E., dated November 5, 2007.
5. Letters from the Rockland County Department of Planning, signed by Eileen Miller dated November 19, 2007 and Salvatore Corallo, Commissioner of Planning, dated November 21, 2007.
6. A letter from the Rockland County Department of Highways, signed by Joseph Area, Principal Engineering Technician, dated November 15, 2007.
7. A letter from Rockland County Drainage Agency, signed by Edward Devine, Executive Director, dated October 24, 2007.
8. A letter from Rockland County Sewer District #1, signed by Joseph LaFiandra, Engineer II, dated November 16, 2007.
9. Letters from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated October 24 & 30, 2007.

10. A letter from the Town of Orangetown Zoning Board of Appeals, signed by William Mowerson, dated October 24, 2007.
11. A letter from the New York State Department of Transportation, signed by Mary Jo Russo, Rockland County Permit Engineer, dated November 16, 2007.
12. A letter from the New York State Department of Transportation, signed by Ursus A. Idosu, SEQRA/HWP Unit, dated November 19, 2007.
13. A Short Environmental Assessment Form signed by Dr. Byungro Jun, dated October 10, 2007.
14. A Drainage Report prepared by Anthony Celentano, P.E., dated October 4, 2007.
15. Site Plans prepared by Anthony Celentano, P.E, dated September 27, 2007, revised October 4, 2007:
 - Sheet 1 of 2: Site Plan
 - Sheet 2 of 2: Details

The Board reviewed the plans.

The hearing was then opened to the Public. There being no one to be heard from the Public, a motion was made to close the Public Hearing portion of the meeting by Kevin Garvey seconded by Anthony Iurica and carried as follows: Bruce Bond, aye, Anthony Iurica, aye, John Foody, aye, William Young, absent, Robert Dell, aye, 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, seconded by Anthony Iurica and carried as follows: Bruce Bond, aye, Anthony Iurica, aye, William Young, absent, Robert Dell, aye, John Foody, aye, Jeffrey Golda, aye and Kevin Garvey, aye; the Board declared itself Lead Agency.

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:

It will not have a significant impact upon the environment and a DEIS will not be prepared because the proposed action does not significantly affect air quality, surface or ground water quality, noise levels, drainage or existing traffic patterns.

In addition, it will have no impact upon the aesthetics, agricultural or cultural resources of the neighborhood and no vegetation, fauna or wildlife species will be affected as a result of the proposed action. The proposed action is consistent with the Town's Master Plan and will not have any adverse economic or social impacts upon the Town of Orangetown.

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

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

1. The following note shall be placed on the Site Plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a meeting."
2. The following note shall be placed on the Site Plan regarding Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.
3. The LO zone district does not allow animal hospital or commercial dog kennels as a use permitted by right. The existing use on the property is a pre-existing legally non-conforming use. Therefore, the extension of the use cannot exceed 50% of its land area occupancy or floor area and requires approval from the Town of Orangetown Zoning Board of Appeals. (Section 9.34, "Extension or Enlargement of a Non-Conforming Use")

4. The following variances need to be sought from the Town of Orangetown Zoning Board of Appeals:

Minimum Lot Area required is two acres and 0.9 acres is existing,
Minimum Lot Width is 300 feet and 73.35 feet is existing,
Minimum Street Frontage is 150 feet and 75.35 feet is existing,
Minimum Side Yard required is 100 feet and 6.7 feet is proposed,
Total Side Yard required is 200 feet and 19.7 feet is proposed,
Minimum Rear Yard required is 100 feet and 66.7 feet is proposed, and
Maximum Building Height is 3 inches high per foot from a lot line. Therefore, a maximum height of 20.1 inches is allowed based on the 6.7 feet side yard setback being proposed. The proposed height of the building needs to be calculated.

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

5. The zone district boundaries need to be placed on the Vicinity Map.

6. The kennel shall be at least 200 feet from any R district boundary.

7. The Short Environmental Assessment appears to be in order.

8. The property lies within the Route 303 Overlay Zone, however, no changes are being proposed at the front yard along Route 303. Please clarify.

9. Proof of ownership of Railroad Avenue needs to be provided.

10. The drainage calculations are currently under review by DEME. However, a Stormwater Pollution Prevention Plan shall be submitted for review and approval, including the total area of disturbance.

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

12. The applicant's engineer shall demonstrate future accessibility around the proposed detention basin.

13. Detailed information regarding the proposed storage pond/basin shall be supplied (i.e. storage capacity at certain elevations, berm reinforcing, etc.)

14. The existing septic system or sanitary house connection location shall be shown on the plan.

15. A truck wash off area shall be added to the SESC plans.

16. The proposed stabilized construction entrance shall be clearly labeled on the plans.

17. A note shall be added to the Site Plan indicating the source benchmark for the referenced datum, including the BM elevation.

18. A profile of the proposed driveway shall be provided.

19. The proposed silt fencing shall be removed from across the proposed driveway extension.

20. The Drainage Consultant to the Planning Board recommends acceptance for drainage subject to the following conditions:

The site is located on the west side of Route 303 just north of its intersection with Walnut Street. The 0.90 acre site is bounded on the west by the Consolidated Railroad. The site contains an existing one-story building and paved driveway with access from Route 303. The Applicant proposes to expand the existing building for use as a kennel, and to provide additional paved driveway areas.

The Applicant proposes to construct a detention basin in the rear (westerly) side of the site. Drainage calculations have been provided.

Based on the Drainage Consultant's review of the submitted plan and calculations, the consultant believes that the applicant can be made to achieve a zero net increase in runoff rate from the developed site and therefore recommends acceptance for drainage subject to the following conditions:

- The drainage calculations are incomplete and must be revised. The calculations shall contain a narrative section that includes a complete table of contents, a description of existing and proposed conditions, a description of the methodology used in the calculations, a summary of existing condition flow rates and proposed condition flow rates, a description of the outlet control structure including size and elevations of orifices and weirs.
- The drainage calculations use the labels, Existing and Predeveloped; these labels shall be changed to Existing and either Proposed or Developed.
- The time of concentration in the calculations is given as 12.7 minutes for both existing and proposed conditions. This is incorrect; the time of concentration for the proposed condition should be less than the existing condition due to paved surfaces and piped flow.

Continuation of condition #20....

- Calculations for sizing all pipes must be provided.
- Calculations for sizing each stone discharge apron must be provided.
- The calculations for developing the runoff curve number refer to an existing barn. However the plans do not show an existing barn. The Applicant must show the existing barn to be removed on the plan if it exists, or revise the calculations if it does not.
- Under existing conditions, runoff flows off the site as sheet flow across the width of the property. Under developed conditions, runoff will be discharged from the basin as a concentrated flow onto the railroad ROW. The Drainage Consultant recommends that a level spreader be provided, or at the Applicants option, if they obtain written approval of the outfall from the railroad, the Consultant will likewise allow it.
- The plans must be revised to be consistent with the calculations.
- The font size used for labeling on the plans is too small and shall be increased in size.
- An emergency riprap protected spillway must be provided to control overflows from the detention basin. Calculations for sizing the spillway must also be provided.
- A large size, drawn to scale detail of the Outlet Control Structure (OCS) must be provided. The detail must include a plan and sections as well as all dimensions and elevations to permit construction.
- The Trash Rack Detail is inadequate. This detail shall include a plan and section, and shall show its location on the OCS. Attachment information should also be provided.
- Provide Cross Sections through the detention basin in two directions, longitudinal and transverse. The plan shows a section through the basin but does not show the walls. The new sections should be drawn to scale and should show the walls. The longitudinal section should show the OCS and the inlet and outlet pipes as well.
- The Applicant must provide and obtain approval of a Mosquito Breeding Prevention Plan from the Rockland County Department of Health.

21. Based upon the Rockland County Department of Planning records, Tax Lot #70.14/4/21 contains 0.71 acres rather than 0.91 acres and it is not "L" shaped. If a portion of another lot is to be incorporated with this site plan, an explanation shall be provided. It is the County Department of Planning's understanding that there is a September 11, 1979 deed that includes the additional area. The Town of Orangetown shall be satisfied that appropriate documentation has been provided.

22. The Town shall be satisfied that the proposed Site Plan complies with all applicable provisions of the Route 303 Overlay Zone.

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

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

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

26. Parking calculations which indicate the applicable requirements and how the existing and proposed site plans relate to them shall be placed on the Site Plan.

27. Drainage plans and calculations for the Site Plan shall demonstrate that there will be no net increase in stormwater runoff from the subject property.

28. A legend explaining the symbol's used on the Site Plan shall be provided.

29. The Building Permit Application dated March 23, 2007 indicates that the proposed construction will be 3,420 square feet, while the data on the Site Plan indicates that the new construction will be 2,074 square feet. This discrepancy shall be clarified.

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

31. Prior to any grading or construction on the site, a soil and erosion control plan shall be developed that meets the New York State Guidelines for Urban Erosion and Sediment Control.

32. Based upon the Rockland County Drainage Agency's (RCDA) evaluation of available mapping and the 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 Chapter 846, Rockland County Stream Control Act, is not requested based upon its review of the information provided. The review and approvals concerning drainage and stormwater management conditions in this matter appear to be within the jurisdiction of the appropriate Town of Orangetown land use board(s) and municipal departments.

33. The Rockland County Department of Highway has reviewed the plans and found that the project will have no foreseeable adverse impact upon County Roads in the area.

34. The Rockland County Sewer District #1 does not object to the plan as shown. This project does not affect any sanitary sewers within the District and request no future correspondence for this site.

35. The Rockland County Department of Health reviewed the site and found that the site was originally developed in 1962 with a subsurface disposal system. Neither the Town nor the County Department of Health has any record of the facility tying into the public sewer system. This will need to be determined and the system accurately located. If in fact the SDS is still in use, the proposed detention basin and possibly the proposed catch basin will not have the required setbacks distances to the system.

36. New York State Department of Transportation (NYSDOT) reviewed the preliminary plan and do not have any comments at this time. The proposed site improvements should not have an impact on the State right of way.

37. New York State Department of Transportation (NYSDOT) recommends and supports the use of the existing driveway if no major changes are necessary for the subject property. The applicant shall contact the local NYSDOT Highway Permit Engineer to initiate a Highway Permit review process.

38. 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 Health
- Town of Orangetown Zoning Board of Appeals
- Rockland County Sewer District #1
- Rockland County Drainage Agency
- Rockland County Department of Highways

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

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

41. 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:

Continuation of Condition #41....

- 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.

42. 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.

43. 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.

- 44. The contractor’s trailer, if any is proposed, shall be located as approved by the Planning Board.
- 45. 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).
- 46. Permanent vegetation cover of disturbed areas shall be established on the site within thirty (30) days of the completion of construction.
- 47. 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
- 48. The Planning Board shall retain jurisdiction over lighting, landscaping, signs and refuse control.

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

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

Dated: November 28, 2007

Planning Board	OBZPAE	RC Planning	RC Drainage	RC Highway
Env. Mgt. Eng.	LMS	Town Board	Assessor	Town Attorney
PRC	Supervisor			

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

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

**PB #07- 69
November 28, 2007
Page 11 of 11**

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: Orangetown Animal Hospital Site Plan

SEQR STATUS: Type I _____
Unlisted XXXXXX

CONDITIONED NEGATIVE DECLARATION: Yes _____
No XXXXXX

DESCRIPTION OF ACTION: Site Plan Review

LOCATION: The site is located at 564 Route 303, Blauvelt, Town of Orangetown, Rockland County, New York and as shown on the Orangetown Tax Map as Section 70.14, Block 4, Lot 21 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