

**TOWN OF ORANGETOWN PLANNING BOARD  
Meeting of October 13, 2010**

**MEMBERS PRESENT:**

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

**MEMBERS ABSENT:** Robert Dell and John Foody

**ALSO PRESENT:** Robert Magrino, Deputy Town Attorney, Richard Pakola,  
Deputy Town Attorney, Bert von Wurmb, Building Inspector, Ann Marie Ambrose,  
Stenographer and Cheryl Coopersmith, Chief Clerk

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

**Continued from July 28, 2010 Meeting:**

<b>622 Route 303 Subdivision Plan</b> Prepreliminary/Preliminary/ Final Subdivision Plan and SEQRA Review 65.14/1/11; LI zoning district	<b>Preliminary Approval Subject to Conditions Neg. Dec.</b>	<b>PB #10-36</b>
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<b>622 Route 303 Site Plan</b> Prepreliminary/Preliminary Site Plan and SEQRA Review 65.14/1/11; LI zoning district	<b>Preliminary Site Plan Approval Subject to Conditions/ Neg. Dec.</b>	<b>PB #10-37</b>
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**Continued from September 29, 2010 Meeting:**

<b>St. Thomas Aquinas College Site Plan</b> <b>Athletic Field Site Plan</b> Prepreliminary /Preliminary/ Final Site Plan and SEQRA Review 74.20/1/2; LO zoning district	<b>Postponed to October 27<sup>th</sup> Meeting</b>	<b>PB #10-41</b>
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**New Items:**

<b>McGee Resubdivision Plan</b> Prepreliminary/Preliminary/ Final Resubdivision Plan and SEQRA Review 68.20/2/67.2 & 66; RG zoning district	<b>Final Approval Subject to Condition Neg. Dec.</b>	<b>PB #10-45</b>
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<b>MetroPCS New York, LLC</b> Collocation of Wireless Telecommunication Facility Site Plan Prepreliminary/Preliminary Site Plan and SEQRA Review 77.16/1/5; LO zoning district	<b>Final Approval Subject to Condition Neg. Dec.</b>	<b>PB #10-46</b>
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**TOWN OF ORANGETOWN PLANNING BOARD  
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**Ramsay Subdivision Plan**

**PB #10-47**

Request for the First 90 Day  
Extension to File the Subdivision Plat  
at the Rockland County Clerk's Office  
77.08/5/33; RG zoning district

**Granted 1<sup>st</sup> 90 Day  
Extension**

The decisions of the September 29, 2010 Planning Board Meeting was reviewed, edited and approved. The motion for adoption was made and moved by Kevin Garvey and seconded by Andy Stewart and carried as follows: Robert Dell, absent; Kevin Garvey, aye; Bruce Bond, aye; Jeffrey Golda, aye; John Foody, absent; Andy Stewart, aye and William Young, aye.

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

Since there was no further business to come before the Board, a motion to adjourn the meeting was made by Kevin Garvey and seconded by William Young and agreed to by all in attendance. The meeting was adjourned at 9:15 p.m. The next Planning Board meeting is scheduled for October 27, 2010.

**DATED: October 13, 2010**

**Town of Orangetown Planning Board**

**PB #10-36: #622 Route 303 Subdivision Plan – Preliminary Subdivision Plan  
Approved Plan Subject to Conditions/ Neg. Dec.**

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TO: Steven Grogg, P.E., McLaren Engineering Group, 100 Snake Hill Road,  
West Nyack, New York 10994  
FROM: Orangetown Planning Board

RE: 622 Route 303 Subdivision Plan: The application of SunCap Properties, LLC, applicant, for Joseph Appleman, owner, (Montalbano, Condon & Frank, attorneys for the applicant) for Prepreliminary/Preliminary/Final Subdivision Plan Review, at a site to be known as “622 Route 303 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 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 622 Route 303, Blauvelt, Town of Orangetown, Rockland County, New York, and as on the Orangetown Tax Map as Section 65.14, Block 1, Lot 11 in the LI zoning district.

Heard by the Planning Board of the Town of Orangetown at meetings held, **Wednesday, July 28 and October 13, 2010** at which time the Board made the following determinations:

**July 28, 2010**

Steven Grogg and Brian Quinn appeared and testified for the applicant.

The Board received the following communications:

1. A Project Review Committee Report dated July 21, 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 July 28, 2010.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering, (DEME) Town of Orangetown, signed by Bruce Peters, P.E., dated July 22, 2010.
4. A letter from HDR, signed by Harvey Goldberg, P.E., dated July 26, 2010.
5. Letters from the Rockland County Department of Planning, signed by Eileen Miller, dated July 21, 2010 and Salvatore Corallo, Commissioner of Planning dated July 23, 2010.
6. Letters from Rockland County Department of Highways, signed by Joseph Arena, Principal Engineering Technician, dated July 19, 2010.
7. Letters from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated June 28 & 30, 2010.

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8. A letter from the Rockland County Drainage Agency, signed by Shajan Thottakara, P.E., dated July 27, 2010.
9. A letter from Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer II, dated July 7, 2010.
10. E-mails from the Town of Clarkstown Planning Board, dated July 1, 2010.
11. A letter from the New York State Department of Transportation, signed by Terence Donoghue, P.E., dated June 28, 2010.
12. A letter from the Town of Orangetown Zoning Board of Appeals, signed by William Mowerson, Chairperson, dated July 7, 2010.
13. A Full Environmental Assessment Form dated June 18, 2010, signed by Steven Grogg, P.E., Vice President, Site/Civil Division, McLaren Engineering Group.
14. A Short Environmental Assessment Form, dated June 18, 2010, signed by Steven Grogg, P.E., Vice President, Site/Civil Division, McLaren Engineering Group.
15. Subdivision Plan prepared by McLaren Engineering Group; Drawing No: S-1, dated June 21, 2010.

The Board reviewed the plan.  
The hearing was then opened to the Public.

**Public Comments:**

Randy Cardenas: 48 Autumn Drive, raised concerns regarding the potential truck traffic to the site.  
Kimball Parker, 2 Bell Lane, discussed prior NYSDOT plans for Route 303 and suggested an alternate roadway access to the project site.

The applicant requested a **CONTINUATION**.

**October 13, 2010**

Brian Quinn, Steven Grogg, Flint McNaughton, John Collins and Nicholas Tobovic and appeared and testified.

The Board received the following communications:

1. A Project Review Committee Report dated October 6, 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 13, 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 12, 2010.

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4. A letter from HDR, signed by Harvey Goldberg, P.E., dated October 11, 2010.
5. A letter from the Rockland County Department of Planning, signed by Salvatore Corallo, Commissioner of Planning dated October 7, 2010.
6. A letter from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated June 30, 2010.
7. A letter from the Rockland County Drainage Agency, signed by Shajan Thottakara, P.E., dated July 27, 2010.
8. A letter from Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer II, dated October 1, 2010.
9. A letter from New York State Department of Environmental Conservation, Division of Environmental Permits, Region 3, signed by Rebecca Crist, Environmental Analyst, dated July 30, 2010.
10. Subdivision Plan prepared by McLaren Engineering Group; Drawing No: S-1, dated June 21, 2010.

The Board reviewed the plan.  
The hearing was then opened to the Public.

**Public Comments:**

Kimball Parker, 2 Bell Lane, an abutting property owner, raised issue with the proposed development and discussed alternate access to the site. He also raised issue with the drainage impact of the development on his 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, absent; Jeffrey Golda, aye and Kevin Garvey.

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

Kimball Parker, 2 Bell Lane, an abutting property owner, expressed concerns with the drainage impact of the development on his 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, absent; Jeffrey Golda, aye and Kevin Garvey.

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**Lead Agency:**

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, absent; Jeffrey Golda, aye and Kevin Garvey, aye the Board declared itself Lead Agency.

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

After having identified the relevant areas of environmental concern, namely drainage, surface water runoff, land clearing, vegetation, fauna, traffic and noise levels, and after having taken a hard look at said environmental issues, and after having deliberated regarding such concerns, and having heard from the applicant, the applicant’s professional representatives, namely Steven Grogg, 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 Drainage Agency, Rockland County Department of Health, Rockland County Sewer District No.1, New York State Department of Transportation and having reviewed a proposed Subdivision Plan by prepared by McLaren Engineering, a summary of the reasons supporting this determination are, and the Planning Board finds that the proposed action:

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Approved Plan Subject to Conditions/ Neg. Dec.**

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

**DECISION: In view of the foregoing and the testimony before the Board, the application was GRANTED A PRELIMINARY SUBDIVISION PLAN 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."

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2. The following note shall be placed on the Subdivision 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 yards shall be labeled on the subdivision plat, such as front yard, side yard, etc.
4. The yard setbacks for the proposed lot shall be taken from the zone district line and the bulk and use requirements are regulated for each district as per Section 5.12 of Chapter 43, "Zoning". The "Table of Land Use" shall be amended to follow the above section of the code.
5. Iron pins shall be drawn and labeled at all property corners.
6. The sanitary calculations provided are currently under review by DEME.
7. Profiles for the proposed sanitary mains and storm sewer mains shall be added to the plans.
8. The proposed 20 foot wide sanitary sewer easement shall include all of the 8 inch mains running east toward Route 303 (the drawings currently show it stopping at the property line for Lot #1.) The metes and bounds for the proposed easement shall be depicted on the plans. Also, a copy of the proposed easement shall be provided to DEME and the Town Attorney's office for review and approval.
9. The applicant is advised that some types of businesses may require a pretreatment facility onsite and a permit from DEME. The design of such facilities must be reviewed and approved by DEME, prior to any construction. The applicant shall contact the Town of Orangetown's Pretreatment Coordinator to determine if this criteria is applicable.
10. The Applicant proposes to subdivide a 43.11 acre parcel into three lots. The site is located on the west side of NYS Route 303 approximately 1000 feet north of Corporate Drive in Blauvelt. Typically, the subdivision of land in itself has no impact on drainage. It is only the development of land that affects drainage. Accordingly, Planning Board's Drainage Consultant recommends acceptance for drainage only for the subdivision of this lot into three parcels. The proposed site plan development of Lot 1 will be addressed as a separate project.
11. Rockland County Department of Planning had the following comments which are incorporated herein as conditions of approval:  
The concerns expressed in the October 6, 2010 letter from the New York State Department of Transportation shall be addressed and all required permits obtained.



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Approved Plan Subject to Conditions/ Neg. Dec.**

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**Continuation of Condition #11...**

The Town of Clarkstown shall review the plans and the Town must consider and satisfactory address any additional concerns about the subdivision plan.

With regard to the 6.01 acre wetland on site, a review shall be completed by the U.S. Army Corps of Engineers and all required permit obtained.

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

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

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

The Existing 50 Wide Private Easement shall be described on the plat with regard to who the easement is from and to, what it is for, and where the document establishing the easement is recorded.

Notes shall be placed on the plat and deeds explaining who will have maintenance responsibilities for the improvements in the access and utility easement from Lot 1 to Route 303.

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

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

**12.** The Rockland County Department of Highways found that the proposed project as submitted would not be adverse to county roads in the area. The Highway Departments requests that the Land Use Board ensure that a zero net increase in runoff from the site be achieved.

**13.** Based upon Rockland County Drainage Agency (RCDA) evaluation of available mapping and information submitted, it has been determined that the proposed activity is outside the jurisdiction of the RCDA. Therefore, a permit from the RCDA pursuant to the Rockland County Stream Control Act, Chapter 846, is not requested based upon its review of the information provided. However, according to the Flood Insurance Rate Maps, the proposed project site is close proximity to the Hackensack River Floodplain. The Planning Board should carefully review any proposed additional impervious surface outside the RCDA's jurisdiction, to a designated floodplain, for its potential off site impacts.

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**Continuation of Condition #13...**

Furthermore, the proposed project includes a vehicle fueling station and vehicle service and maintenance facility, which are both land uses that are considered as “stormwater hotspots”. In that regard, the Town should confirm that the proposed water quality practices included in the Stormwater pollution Prevention Plan, are designed in accordance with the New York State Stormwater Management Design Manual for stormwater hotspots. In addition, the site appears to be located in close proximity to mapped state and federal wetlands. The RCDA suggests that the New York State Department of Environmental Conservation and U.S. Army Corps of Engineers be contacted by the lead agency and requested to make a jurisdictional determination regarding the proposed activity.

**14.** 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 no future correspondence is requested for this site.

**15.** The Rockland County Department of Health (RCDOH), Environmental Health Program reviewed the subdivision plan and offered the following comments:

- Formal application is to be made for a sanitary sewer extension. Plans are to include sanitary sewer profiles. Applicants Engineer shall contact the Scott McKane, P.E., Senior Public Health Engineer, for submission requirements.
- Application is to be made to the RCDOH for a water main extension. This application is to be made through United Water New York.
- Separate application is to be made to the RCDOH for review of the stormwater management system for compliance with the Rockland County Mosquito Code.

**16.** The Town of Clarkstown Planning Board requests that traffic study and drainage report be provided for its review.

**17.** New York State Department of Transportation has reviewed the plans and had the following comments which are incorporated herein as conditions of approval:

- 1) The applicant shall submit s Highway Work Permit Application for Non-Utility Work (Perm 33). It must be signed by the applicant and the name/address provided in the upper left hand corner. The remaining information will be completed at a later date.
- 2) The applicant shall submit a Permit Agreement for Highway Work Permits Design Review (Perm 51) must be completed by the applicant. The Application No. and PIN will be filled in by the Regional Traffic Engineering & Safety Group. The applicant should be aware that the \$2,000 fee referenced thereon shall be the minimum cost for the Department’s review time and is non-refundable. Hereafter, all Department employees assigned the responsibility of reviewing any documents, plans, maps, etc., which are directly related to the subject proposal, shall charge their review time to this project. The applicant will then be billed periodically by the Department for the actual cost of review and processing of the respective project. Such billing which exceeds the minimum \$2,000 initial fee must be paid immediately upon receipt of the Highway Work Permit shall not be issued, or shall be revoked.

**PB #10-36: #622 Route 303 Subdivision Plan – Preliminary Subdivision Plan  
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**Continuation of Condition #17...**

- 3) A check for \$2,000 made out to the New York State Department of Transportation.
- 4) 7 Sets of plans, 1 copy of drainage study/SWPPP on disc, 1 copy of Synchro analysis of affected intersections on disc, 1 copy of the traffic Impact Study (TIS) on disc.
- 5) Two Priority Investigation Locations (PIL) have been identified near this development. They are on Route 303 between reference marker 303 8501 1040 and 3038501 1042 and between reference marker 303 8501 1053 and 303 8501 1055. A Highway Safety Investigation (HIS) study and proposed mitigation is required for this PIL segment. The applicant shall contact Region 8 Safety Program for guidance.

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

- Rockland County Department of Highways
- Rockland County Health Department
- Rockland County Department of Planning
- Rockland County Sewer District #1
- Rockland County Drainage Agency
- New York State Department of Transportation
- Town of Orangetown Zoning Board of Appeals

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

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

**21. TREE PROTECTION:** The following note shall be placed on the Subdivision Plan plan:

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

- a. No construction equipment shall be parked under the tree canopy.
- b. There will be no excavation or stockpiling of earth underneath the trees.
- c. Trees designated to be preserved shall be marked conspicuously on all sides at a 5 to 10 foot height.
- d. The Tree Protection Zone for trees designated to be preserved will be established by one of the following methods:

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**Continuation of Condition #21...**

One (1) foot radius from trunk per inch DBH

Drip line of the Tree Canopy. The method chosen should be based on providing the maximum protection zone possible. A barrier of snow fence or equal is to be placed and maintained one yard beyond the established tree protection zone. If it is agreed that the tree protection zone of a selected tree must be violated, one of the following methods must be employed to mitigate the impact:

Light to Heavy Impacts – Minimum of eight inches of wood chips installed in the area to be protected. Chips shall be removed upon completion of work.

Light Impacts Only – Installation of  $\frac{3}{4}$  inch of plywood or boards, or equal over the area to be protected.

The builder or its agent may not change grade within the tree protection zone of a preserved tree unless such grade change has received final approval from the Planning Board. If the grade level is to be changed more than six (6) inches, trees designated to be preserved shall be welled and/or preserved in a raised bed, with the tree well a radius of three (3) feet larger than the tree canopy.

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

**23.** 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.

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

**25.** 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

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**Continuation of Condition #25...**

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).

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

**27.** 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

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

**Override**

The Board made a motion to override Condition #8 of the October 7, 2010 letter from Rockland County Department of Planning, signed by Salvatore Corallo, Commissioner of Planning, for the following reasons:

#8. In reviewing the proposed site plan, it appears that a second access point could be provided at the northeastern portion of the property, where there is a private easement. If this additional access point provides better circulation to and from the subdivision lots, this option shall be considered. If the Town decides to make this an additional access point to the subdivision, appropriate note shall be included on the plat and if appropriate, in the deeds.

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The Board held that New York State Department of Transportation wanted all of the land parcels to access off of the main roadway leading to the traffic light.

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

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, absent; 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: October 13, 2010**

**Town of Orangetown Planning Board**

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

**622 Route 303 Subdivision/Site Plan –**

**PB #10-36: Preliminary Subdivision Plan Approved Plan Subject to Conditions**

**PB #10-37: Preliminary Site Plan Approval Subject to Conditions**

**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: 622 Route 303 Subdivision/Site Plan**

SEQR STATUS: Type I \_\_\_\_\_ Unlisted XXXXXX

CONDITIONED NEGATIVE DECLARATION: Yes \_\_\_\_\_ No XXXXXX

**DESCRIPTION OF ACTION: Subdivision/Site Plan  
Preliminary Approval subject to Conditions**

**LOCATION:** The site is located at 622 Route 303, Blauvelt, Town of Orangetown, Rockland County, New York, and as on the Orangetown Tax Map as Section 65.14, Block 1, Lot 11 in the LI 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

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TO: Steven Grogg, P.E., McLaren Engineering Group, 100 Snake Hill Road,  
West Nyack, New York 10994  
FROM: Orangetown Planning Board

RE: 622 Route 303 Site Plan: The application of SunCap Properties, LLC, applicant, for Joseph Appleman, owner, (Montalbano, Condon & Frank, attorneys for the applicant) for Prepreliminary/Preliminary Site Plan Review, at a site to be known as “622 Route 303 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 622 Route 303, Blauvelt, Town of Orangetown, Rockland County, New York, and as on the Orangetown Tax Map as Section 65.14, Block 1, Lot 11 in the LI zoning district.

Heard by the Planning Board of the Town of Orangetown at meetings held, **Wednesday, July 28 and October 13, 2010** at which time the Board made the following determinations:

**July 28, 2010**

Steven Grogg and Brian Quinn appeared and testified for the applicant.

The Board received the following communications:

1. A Project Review Committee Report dated July 21, 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 July 28, 2010.
3. An interdepartmental memorandum from the Department of Environmental Management and Engineering, (DEME) Town of Orangetown, signed by Bruce Peters, P.E., dated July 22, 2010.
4. A letter from HDR, signed by Harvey Goldberg, P.E., dated July 26, 2010.
5. Letters from the Rockland County Department of Planning, signed by Eileen Miller, dated July 21, 2010 and Salvatore Corallo, Commissioner of Planning dated July 22, 2010.
6. Letters from Rockland County Department of Highways, signed by Joseph Arena, Principal Engineering Technician, dated July 15 & 19, 2010.
7. Letters from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated June 28 & 30, 2010.



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8. A letter from the Rockland County Drainage Agency, signed by Shajan Thottakara, P.E., dated July 27, 2010.
9. A letter from Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer II, dated July 7, 2010.
10. E-mails from the Town of Clarkstown Planning Board, dated July 1, 2010.
11. A letter from the New York State Department of Transportation, signed by Terence Donoghue, P.E., dated June 28, 2010.
12. An interdepartmental memorandum from the Bureau of Fire Prevention, Town of Orangetown, signed by Michael Bettmann, Chief, dated July 1, 2010.
13. A letter from the Town of Orangetown Zoning Board of Appeals, signed by William Mowerson, Chairperson, dated July 7, 2010.
14. A Full Environmental Assessment Form dated June 18, 2010, signed by Steven Grogg, P.E., Vice President, Site/Civil Division, McLaren Engineering Group.
15. A Short Environmental Assessment Form, dated June 18, 2010, signed by Steven Grogg, P.E., Vice President, Site/Civil Division, McLaren Engineering Group.
16. Stormwater Pollution Prevention Plan, prepared by McLaren Engineering Group, dated June 2010.
17. Site Plans prepared by McLaren Engineering Group, dated June 21, 2010:
  - C-001: Cover Sheet
  - C-002: Existing Conditions
  - C-100: Overall Site Plan
  - C-101: Site Plan
  - C-102: Site Plan
  - C- 201: Grading Plan
  - C- 202: Grading Plan
  - C- 301: Utility Plan
  - C- 302: Utility Plan
  - C- 401: Soil Erosion and Sediment Control Plan
  - C- 402: Soil Erosion and Sediment Control Plan
  - C- 501: Details
  - C- 502: Details
  - C- 503: Details
  - C- 504: Details
  - C- 505: Water Quality Structure Details
  - C- 506: Precast Concrete Water Quality System Standard Detail
  - C- 601: Preliminary Landscape Plan
  - C-701: Roadway Profile
  - A1: Building Plan
  - A4: Elevations

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The Board reviewed the plan.  
The hearing was then opened to the Public.

**Public Comments:**

Randy Cardenas: 48 Autumn Drive, raised concerns regarding the potential truck traffic to the site.

Kimball Parker, 2 Bell Lane, discussed prior NYSDOT plans for Route 303 and suggested an alternate roadway access to the project site.

The applicant requested a **CONTINUATION**.

**October 13, 2010**

Brian Quinn, Steven Grogg, Flint McNaughton, John Collins and Nicholas Tobovic and appeared and testified.

The Board received the following communications:

1. A Project Review Committee Report dated October 6, 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 13, 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 12, 2010.
4. A letter from HDR, signed by Harvey Goldberg, P.E., dated October 11, 2010.
5. A letter from the Rockland County Department of Planning, signed by Salvatore Corallo, Commissioner of Planning dated October 7, 2010.
6. A letter from Rockland County Department of Highways, signed by Joseph Area, Principal Engineering Technician, dated October 4, 2010.
7. A letter from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated June 30, 2010.
8. A letter from the Rockland County Drainage Agency, signed by Shajan Thottakara, P.E., dated July 27, 2010.
9. A letter from Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer II, dated October 1, 2010.
10. A letter from New York State Department of Environmental Conservation, Division of Environmental Permits, Region 3, signed by Rebecca Crist, Environmental Analyst, dated July 30, 2010.
11. A copy of a letter from New York State Department of Transportation, to Mr. John T. Collins, Ph.D., P.E., dated October 6, 2010, signed by Richard Dillmann, P.E., Traffic Engineering & Operations Manager.

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12. A letter from the New York State Office of Parks, Recreation and Historic Preservation, Historic Preservation Field Services Bureau, signed by Ruth Pierpont, Director, dated September 29, 2010.

13. A letter from the Town of Clarkstown, Planning Board, signed by Shirley Thormann, Chairwoman, dated October 5, 2010.

14. Traffic Study prepared by Eng-Wong, Taub & Associates, Traffic and Transportation Consultants on Behalf of SunCap Property Group, dated August 18, 2010.

15. Phase 1A Archaeological Assessment prepared by Historical Perspectives, Inc., dated September 2010.

16. Stormwater Pollution Prevention Plan, prepared by McLaren Engineering Group, dated June 2010.

17. Traffic Memorandum prepared by Planning Board Traffic Consultant, Parish & Weiner, Inc., dated October 8, 2010.

18. Site Plans prepared by McLaren Engineering Group, dated June 21, 2010, last revised September 1, 2010:

C-001: Cover Sheet

C-002: Existing Conditions

C-100: Overall Site Plan

C-101: Site Plan

C-102: Site Plan

C- 201: Grading Plan

C- 202: Grading Plan

C- 301: Utility Plan

C- 302: Utility Plan

C- 401: Soil Erosion and Sediment Control Plan

C- 402: Soil Erosion and Sediment Control Plan

C- 501: Details

C- 502: Details

C- 503: Details

C- 504: Details

C- 505: Water Quality Structure Details

C- 506: Precast Concrete Water Quality System Standard Detail

C- 601: Preliminary Landscape Plan

C-701: Roadway Profile

A1: Building Plan

A4: Elevations

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The Board reviewed the plan.  
The hearing was then opened to the Public.

**Public Comments:**

Kimball Parker, 2 Bell Lane, an abutting property owner, raised issue with the proposed development and discussed alternate access to the site. He also raised issue with the drainage impact of the development on his 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, absent; Jeffrey Golda, aye and Kevin Garvey.

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

Kimball Parker, 2 Bell Lane, an abutting property owner, expressed concerns with the drainage impact of the development on his 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, absent; Jeffrey Golda, aye and Kevin Garvey.

**Lead Agency:**

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, absent; Jeffrey Golda, aye and Kevin Garvey, aye the Board declared itself Lead Agency.

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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 Steven Grogg, 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 Drainage Agency, Rockland County Department of Health, Rockland County Sewer District No.1, New York State Department of Transportation and having reviewed a proposed Site Plan by prepared by McLaren Engineering, 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 William Young and carried as follows: Bruce Bond, aye; Andy Stewart, aye; Robert Dell, absent; John Foody, absent; William Young, aye; Jeffrey Golda, aye and Kevin Garvey, aye the Board made a Negative Declaration pursuant to SEQRA.

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

- 1.** The following note shall be placed on the Site Plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a meeting."
- 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.** A jurisdictional determination letter shall be obtained from the U.S. Army Corps of Engineers for the wetlands delineation.
- 4.** An approval from the New York State Department of Environmental Conservation shall be obtained from the wetlands disturbance.

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5. The wetlands identified on the plans shall be labeled as “ACOE” or “NYSDEC” wetlands.
6. The Full Environmental Assessment Form appears to be in order.
7. The Planning Board may want the applicant to provide the Full “Build Out” for lots #2 and #3 on the zoning requirements.
8. The building occupants will be subject to Performance Standards review and approval by the Town of Orangetown Zoning Board of Appeals.
9. From the Grading Plan, it appears portions of the property are being filled approximately 10 feet from the original grade. Describe the amount of fill that will need to be supplied to accomplish the filling of the lot. The fill will need to meet the structural requirements to support the building, trucks, storage parking, etc. A professional engineer shall be retained by the applicant to assure the fill is properly placed and compacted.
10. The applicant shall appear in front of the Town of Orangetown Architecture and Community Appearance Board of Review (ACABOR) prior to receiving Final site Plan approval from the Planning Board. ACABOR shall review the Landscaping Plan.
11. The sight distance for the driveway at Route 303 shall be shown on the Site Plan.
12. The sanitary calculations provided are currently under review by DEME.
13. Profiles for the proposed sanitary mains and storm sewer mains shall be added to the plans.
14. The applicant is advised that some types of businesses may require a pretreatment facility onsite and a permit from DEME. The design of such facilities must be reviewed and approved by DEME, prior to any construction. The applicant shall contact the Town of Orangetown’s Pretreatment Coordinator to determine if this criteria is applicable.
15. The revised SWPPP is under review by DEME.
16. The revised Soil Erosion and Sediment Control Plan is under review by DEME.
17. A manhole frame and cover detail shall be added to the plans. The cover shall include the Town’s name and date.

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**18.** The Planning Board's Drainage Consultant offered the following:  
The Applicant proposes to construct a FedEx warehouse facility on Lot 1 of the new three lot subdivision which is the subject of this application (Lots 2 and 3 are not included under this Site Plan review). The facility will include a 220,998SF building for office and warehouse, 61 loading docks, 418 parking spaces, a vehicle maintenance building, a fuel station and associated paved driveways. Access to the site will be from NYS Route 303. The Impervious area of the site, and therefore stormwater runoff will be increased. To offset the increased runoff the Applicant proposes to install stormwater collection, water quality treatment and detention facilities. A Stormwater Pollution Prevention Plan (SWPPP), including drainage calculations dated August 2010 has been provided. The Applicant has indicated that they have prepared the plans and drainage calculations as a redevelopment project, and have modified the standard NYSDEC stormwater requirements accordingly.

Redevelopment projects are generally required to comply with the standard NYSDEC stormwater requirements. However, under certain circumstances, where specific application criteria are met, alternative sizing and stormwater management controls are permitted. The Planning Board's Drainage Consultant agrees that since the site is already an impervious area, it may be considered a redevelopment project, but the Consultant does not agree that there is inadequate space for controlling stormwater runoff, nor do they agree that physical site constraints are present that do not allow meeting the standard requirements. Accordingly, the Board's Consultant recommends that standard stormwater sizing and stormwater controls must be used on this site.

On October 8, 2010, the Board's Drainage Consultant spoke to the Applicant's Engineer, Brian Spray of McLaren Engineering Group, regarding its rejection of alternative sizing and stormwater management controls for this project. Mr. Spray accepted the Board's Consultant's interpretation and agreed to modify the plans



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**Continuation of Condition #18....**

and SWPPP to comply with the standard NYSDEC stormwater sizing calculations and controls. The Planning Board Consultant agrees with Mr. Spray that modifications to the current plan and SWPPP are relatively simple, and will include, but not be limited to the following:

- Increase the capacity of the detention storage facilities to accommodate 100% of the required water quality volume.
- Provide an impervious bottom to the detention storage facilities to permit infiltration of the water quality volume.
- Revise the outlet control structures for the detention storage facilities.
- Resize and relocate the pretreatment facilities (CDS Units) to locations upstream from the detention storage facilities.

The Planning Board Drainage Consultant believes that the overall drainage concept can achieve a zero net increase in runoff rate from the developed site and therefore recommend acceptance for drainage subject to the following conditions:

- The Applicant must revise the plans and SWPPP to comply with the standard NYSDEC stormwater sizing calculations and controls as discussed above.
- Since the plans and SWPPP must be revised in the next submittal, the Board's Consultant have not completed a detailed review of the current plans and calculations pending receipt of the revised documents. The Consultant reserves the right to add additional conditions of acceptance upon receipt of the revised documents.
- The applicable comments contained in the Board's previous review letter dated July 26, 2010 must be satisfied.

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

The concerns expressed in the October 6, 2010 letter from New York State Department of Transportation shall be addressed and all permits obtained.

The Town shall be assured that the traffic study and any proposed improvements demonstrate consistency with the Route 303 Overlay Zone and the concerns of the Route 303 Sustainable Development Study.

The Town of Clarkstown shall review the plans and the Town must consider and satisfactory address any additional concerns about the subdivision plan.

With regard to the 6.01 acre wetland on site, a review shall be completed by the U.S. Army Corps of Engineers and all required permit obtained.

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

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

Signage and lighting plans must be submitted and shall meet all Town requirements.

Access to the fire zones shall be unimpeded by other parking areas and maneuverability on the site feasible.

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

It is requested that the developer provide a pad for a bus shelter on Route 303 and apply for the associated permit from the New York State Department of Transportation. The developer should also contact the Rockland County Public Transportation Department to coordinate selection of the site. The Rockland County Public Transportation Department will install the bus shelter structure.

With regard to the access and utility easement that will be used for an access road to Route 303, notes must be placed on the Site Plan explaining who will have maintenance responsibilities for the improvements in the easement.

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

If any public water supply improvements are required, engineering plans and specification for these improvements shall be reviewed by the Rockland County Department of Health, prior to construction. In order to complete an application for approval of plans for public water supply improvements, the water supplier must supply an engineer's report pursuant to the "Recommended Standards for

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**Continuation of Condition #19...**

Water Works, 2003 Edition,” that certifies their ability to serve the proposed project while meeting the criteria contained within the Recommended Standards for Water Works. These standards are adopted in their entirety in 10 NYCRR, Subpart 5-1, and the New York State regulations governing public water systems. Both the application and supporting engineer’s report must be signed and stamped by a NYS licensed professional engineer and shall be accompanied by a completed NYS Department of Health Form 348, which must be signed by the public water supplier.

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

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

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

**20.** The Rockland County Department of Highways found that the proposed project as submitted would not be adverse to county roads in the area. The Highway Departments requests that the Land Use Board ensure that a zero net increase in runoff from the site be achieved.

**21.** Based upon Rockland County Drainage Agency (RCDA) evaluation of available mapping and information submitted, it has been determined that the proposed activity is outside the jurisdiction of the RCDA. Therefore, a permit from the RCDA pursuant to the Rockland County Stream Control Act, Chapter 846, is not requested based upon its review of the information provided. However, according to the Flood Insurance Rate Maps, the proposed project site is close proximity to the Hackensack River Floodplain. The Planning Board should carefully review any proposed additional impervious surface outside the RCDA’s jurisdiction, to a designated floodplain, for its potential off site impacts. Furthermore, the proposed project includes a vehicle fueling station and vehicle service and maintenance facility, which are both land uses that are considered as “stormwater hotspots”. In that regard, the Town should confirm that the proposed

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**Continuation of Condition #21...**

water quality practices included in the Stormwater pollution Prevention Plan are designed in accordance with the New York State Stormwater Management Design Manual for stormwater hotspots. In addition, the site appears to be located in close proximity to mapped state and federal wetlands. The RCDA suggests that the New York State Department of Environmental Conservation and U.S. Army Corps of Engineers be contacted by the lead agency and requested to make a jurisdictional determination regarding the proposed activity.

**22.** 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 no future correspondence is requested for this site.

**23.** The Rockland County Department of Health (RCDOH), Environmental Health Program reviewed the subdivision plan and offered the following comments:

- Formal application is to be made for a sanitary sewer extension. Plans are to include sanitary sewer profiles. Applicants Engineer shall contact the Scott McKane, P.E., Senior Public Health Engineer, for submission requirements.

- Application is to be made to the RCDOH for a water main extension. This application is to be made through United Water New York.

- Separate application is to be made to the RCDOH for review of the stormwater management system for compliance with the Rockland County Mosquito Code.

**24.** In regards to the October 5, 2010 Town of Clarkstown letter requesting an amendment to the traffic study to include a traffic analysis up Route 303 to the Palisades Center Mall, to determine if there would be any potential impact for the Town of Clarkstown, the applicant's traffic consultant, John Collins, Ph.D., P.E., provided testimony to the Board. The Board requested that this testimony be documented and provided to the Town of Clarkstown.

**25.** The New York State Department of Transportation (NYSDOT) concurs with the warrant analysis provided by the applicant and grants conceptual approval for the installation of a traffic signal at the proposed driveway at FedEx Ground with Route 303. This would be subject to detailed plans submitted to the NYSDOT as part of the Highway Work Pert/Signal Permit. A coordinated system with the adjacent signals may be required. The roadway plans should also incorporate a left –turn lane.

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**26.** New York State Department of Transportation has reviewed the plans and had the following additional comments which are incorporated herein as conditions of approval:

1. The applicant shall submit s Highway Work Permit Application for Non-Utility Work (Perm 33). It must be signed by the applicant and the name/address provided in the upper left hand corner. The remaining information will be completed at a later date.
2. The applicant shall submit a Permit Agreement for Highway Work Permits Design Review (Perm 51) must be completed by the applicant. The Application No and PIN will be filled in by the Regional Traffic Engineering & Safety Group. The applicant should be aware that the \$2,000 fee referenced thereon shall be the minimum cost for the Department's review time and is non-refundable. Hereafter, all Department employees assigned the responsibility of reviewing any documents, plans, maps, etc., which are directly related to the subject proposal, shall charge their review time to this project. The applicant will then be billed periodically by the Department for the actual cost of review and processing of the respective project. Such billing which exceeds the minimum \$2,000 initial fee must be paid immediately upon receipt of the Highway Work Permit shall not be issued, or shall be revoked.
3. A check for \$2,000 made out to the New York State Department of Transportation.
4. 7 Sets of plans, 1 copy of drainage study/SWPPP on disc, 1 copy of Synchro analysis of affected intersections on disc, 1 copy of the traffic Impact Study (TIS) on disc.
5. Two Priority Investigation Locations (PIL) have been identified near this development. They are on Route 303 between reference marker 303 8501 1040 and 3038501 1042 and between reference marker 303 8501 1053 and 303 8501 1055. A Highway Safety Investigation (HIS) study and proposed mitigation is required for this PIL segment. The applicant shall contact Region 8 Safety Program for guidance.

**27.** The Town of Orangetown Bureau of Fire Prevention has reviewed the plans and had the following comments which are incorporated herein as conditions of approval: In regard to a two phase construction of a Warehouse starting at 142,000 sq. ft., the Chief of the Bureau offers the following for Phase One:

- 1) Provide stamped sealed sprinkler plans with hydraulic calculations to the Bureau for review before work starts.

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**Continuation of Condition #27....**

- 2) Notify the Bureau when underground and above ground fire protection service is pressure tested for witness.
- 3) Notify the Bureau when underground fire protection is flushed.
- 4) Paint private hydrants as per Orangetown code.
- 5) Provide stamped sealed drawings of the proposed fire alarm system before work is started. With cut sheets of all devices to be installed.
- 6) Apply for and maintain a Certificate of Compliance Fire Safety with the Bureau.
- 7) Install an NFPA 13 compliant Fire Sprinkler system, maintained according to NFPA 25.
- 8) Install an NFPA 72 compliant Fire Alarm system connected to Rockland County 44 Control, with 2 dedicated copper phone lines (POTS), transmitting in contact ID format, with remote annunciator and amber and red strobes as per Orangetown Chapter 15.
- 9) Install emergency lighting as per NFPA 101.
- 10) Install portable Fire Extinguishers as per NFPA 10.
- 11) Install key box(s) as necessary.
- 12) Provide fire department access around the entire building. Twenty (20') feet wide and thirteen feet and six (13' – 6") inches in clear height.
- 13) Bridges, culverts, elevated surfaces shall comply with NYS Fire Codes, Section 503.2.6.
- 14) Show No Parking/Fire Zones on final approved site plan, in accordance with Appendix D, Section D103.6.

In regard to Phase Two, an additional 80,000 square foot with a Maintenance Garage and Fuel Dispensing, the Chief of the Bureau offers the following:

- 1) Provide stamped sealed plans for expansion of fire sprinkler system before work starts.
- 2) Provide stamped sealed plans for expansion of fire alarm system before work starts with cut sheets of additional devices.
- 3) Provide stamped sealed plans for fire sprinkler system of maintenance garage.
- 4) Install an NFPA 13 compliant sprinkler system in maintenance garage.
- 5) Install an NFPA 72 compliant fire alarm system in maintenance garage.
- 6) Install portable fire extinguishers as per NFPA 10.

**PB #10-37: #622 Route 303 Site Plan – Preliminary Site Plan Approved Plan  
Subject to Conditions/ Neg. Dec.**

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**Continuation of Condition #27....**

- 7) Install emergency lighting as per NFPA 101.
- 8) Show stamped sealed plans for the fire suppression system for the fuel dispensing area Provide bollards and emergency stop switch as required.
- 9) Install key box.
- 10) Show No Parking/Fire Zone area on final approved site plan, in accordance with Appendix D, Section D103.6.

**28.** Based upon the circulated documents, the New York State Department of Environmental Conservation (NYSDEC) holds that the project may require NYSDEC permits as indicated below:

Article 15, Protection of Waters. A Protection of Water permit is not required to disturb a Class C stream.

Article 24, Freshwater Wetlands: It appears the wetlands on-site may be part of NYS freshwater wetland NA-4, Class I. Disturbance to the wetland or its 100-foot adjacent area requires a permit. Contact DEC Bureau of Habitat to schedule a visit for delineation of state-regulated wetlands.

Compliance with State Pollution Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Construction Activities (GP-0-10-001): For proposed disturbances of 1 acre or more of land outside of NYUC DEP Watershed. This site is within an MS4 area (Municipal Separate Storm Sewer System), the SWPPP must be reviewed and accepted by the municipality and the MS4Acceptance Form must be submitted to DEC. Authorization for coverage under the SPDES General Permit is not granted until the Department issues any other necessary DEC permit.

Additional Comments: In addition to the permit requirements, the resources that are indicated shall be evaluated during the review of this project under SEQR:

Section 401 of U.S. Public Law 95-217 and 33 USC 1341 of 1977, 1984, Water Quality Certification for projects requiring a federal permit. Issuance of this federal certification has been delegated to DEC in New York State. While DEC was a Blanket Water Quality Certification that covers many of the Army Corp of Engineer's Nationwide Permits, NWP 39, commercial development, is not covered and requires an individual certification.

Cultural Resources: Archaeological Sites borders on the Palisades Interstate Parkway.

**PB #10-37: #622 Route 303 Site Plan – Preliminary Site Plan Approved Plan  
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**29.** The Board reviewed the Traffic Memorandum prepared by Parish & Weiner Inc, dated October 8, 2010 and agreed with the comments. The applicant shall review the comments and respond accordingly. Parish & Weiner, Inc. will then re-review study and provide a report to the Planning Board.

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

- Rockland County Department of Highways
- Rockland County Health Department
- Rockland County Department of Planning
- Rockland County Sewer District #1
- Rockland County Drainage Agency
- New York State Department of Transportation
- Town of Orangetown Zoning Board of Appeals

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

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

**33. TREE PROTECTION:** The following note shall be placed on the Site Plan plan:

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

- a. No construction equipment shall be parked under the tree canopy.
- b. There will be no excavation or stockpiling of earth underneath the trees.
- c. Trees designated to be preserved shall be marked conspicuously on all sides at a 5 to 10 foot height.
- d. The Tree Protection Zone for trees designated to be preserved will be established by one of the following methods:

One (1) foot radius from trunk per inch DBH

Drip line of the Tree Canopy. The method chosen should be based on providing the maximum protection zone possible. A barrier of snow fence or equal is to be placed and maintained one yard beyond the established tree protection zone. If it is agreed that the tree protection zone of a selected tree must be violated, one of the following methods must be employed to mitigate the impact:

Light to Heavy Impacts – Minimum of eight inches of wood chips installed in the area to be protected. Chips shall be removed upon completion of work.



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**Continuation of Condition #33...**

Light Impacts Only – Installation of  $\frac{3}{4}$  inch of plywood or boards, or equal over the area to be protected.

The builder or its agent may not change grade within the tree protection zone of a preserved tree unless such grade change has received final approval from the Planning Board. If the grade level is to be changed more than six (6) inches, trees designated to be preserved shall be welled and/or preserved in a raised bed, with the tree well a radius of three (3) feet larger than the tree canopy.

**34.** 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.

**35.** 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.

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

**37.** 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).

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

**PB #10-37: #622 Route 303 Site Plan – Preliminary Site Plan Approved Plan  
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**39.** Prior (at least 14 days) to the placing of any road sub-base, the applicant shall provide the Town of Orangetown Superintendent of Highways and DEMA with a plan and profile of the graded road to be paved in order that these departments may review the drawings conformance to the approved construction plans and the Town Street Specifications

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

**Override**

The Board made a motion to override Condition #3 of the October 7, 2010 letter from Rockland County Department of Planning, signed by Salvatore Corallo, Commissioner of Planning, for the following reasons:

#3. In reviewing the proposed site plan, it appears that a second access point could be provided at the northeastern portion of the property. If this additional access point would provide better circulation to and from the site, this option should be considered.

The Board held that New York State Department of Transportation wanted all of the land parcels to access off of the main roadway leading to the traffic light.

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

The foregoing Resolution was made and moved by Kevin Garvey and seconded by Jeffrey Golda and carried as follows: Bruce Bond, aye; Andy Stewart, absent; William Young, aye; John Foody, absent; Robert Dell, nay; 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: October 13, 2010  
Town of Orangetown Planning Board**

**PB #10-45: McGee Resubdivision Plan; Final Resubdivision Plan Approval  
Subject to Conditions/Neg. Dec.**

**Town of Orangetown Planning Board Decision**

**October 13, 2010**

**Page 1 of 7**

TO: Jay Greenwell, 85 Lafayette Avenue, Suffern, New York 10901  
FROM: Orangetown Planning Board  
RE: McGee Resubdivision Plan: The application of Karen and Timothy McGee, owners, for Prepreliminary/Preliminary/Final Resubdivision Plan Review, for a site to be known as "McGee Resubdivision 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 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 101 East Park Avenue, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 68.20, Block 2, Lots 67.2 & 66 in the RG zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, October 13, 2010**, the Board made the following determinations:

Jay Greenwell appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated October 6, 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 13, 2010.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., October 12, 2010.
4. A letter from the Rockland County Drainage Agency, signed by Shajan Thottakara, P.E., dated October 7, 2010.
5. A letter from the Town of Orangetown Zoning Board of Appeals, signed by William Mowerson, Chairman, dated September 27, 2010.
6. A Short Environmental Assessment Form signed by Timothy McGee, dated August 9, 2010.
7. A letter from Jay A. Greenwell, PLS, dated August 9, 2010, and Plans prepared by Jay Greenwell, PLS, LLC, dated June 23, 2010, revised July 29, 2010:  
Sheet 1: Resubdivision Plan
8. Copy of PB #06-36, Final Subdivision Approval Subject to Conditions, Mahon Minor Subdivision Plan.

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

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

After having identified the relevant areas of environmental concern, namely drainage, surface water runoff, land clearing, vegetation, fauna, traffic and noise levels, and after having taken a hard look at said environmental issues, and after having deliberated regarding such concerns, and having heard from the applicant, the applicant’s professional representatives, namely Jay Greenwell, PLS, 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

**PB #10-45: McGee Resubdivision Plan; Final Resubdivision Plan Approval  
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**Town of Orangetown Planning Board Decision  
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and Engineering; and having heard from the following involved and interested agencies Rockland County Drainage Agency and having reviewed a proposed Subdivision plan by prepared by Jay Greenwell, PLS, a summary of the reasons supporting this determination are, and the Planning Board finds, that the proposed action:

- Will not significantly affect existing air quality or noise levels;
- Will not significantly affect existing surface water quality or quantity or drainage;
- Will not significantly affect existing ground water quality or quantity;
- Will not significantly affect existing traffic levels;
- Will not create a substantial increase in solid waste production;
- Will not create a potential for erosion, flooding, leaching or drainage problems;
- Will not have a significant adverse impact on the environmental characteristics of our critical environmental area or environmentally sensitive sites or features;
- Will not have an impairment of the character or quality of important historical, archeological or architectural resources;
- Will not have an impairment of the character or quality of important aesthetic resources;
- 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, absent; William Young, aye; Jeffrey Golda, aye and Kevin Garvey, aye; the Board made a Negative Declaration pursuant to SEQRA.

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

**PB #10-45: McGee Resubdivision Plan; Final Resubdivision Plan Approval  
Subject to Conditions/Neg. Dec.**

**Town of Orangetown Planning Board Decision  
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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. Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations
3. The Short Environmental Assessment Form appears to be in order.
4. The Planning Board waives the requirement for review of this application by the Town of Orangetown Architecture and Community Appearance Board (ACABOR). The applicant shall make application to ACABOR for review and development of the individual lot.
5. The Planning Board has no objections to the lot line merger.
6. Based upon Rockland County Drainage Agency (RCDA) evaluation of available mapping and information submitted, it has been determined that the proposed activity is outside the jurisdiction of the RCDA. Therefore, a permit from the RCDA pursuant to the Rockland County Stream Control Act, Chapter 846, is not required based upon its review of the information provided. However, the site appears to be located in close proximity to mapped federal wetlands. The RCDA suggests that the U.S. Army Corps of Engineers be contacted by the lead agency and requested to make a jurisdictional determination regarding the proposed activity.
7. The Rockland County Stream Control Act, Chapter 846, requires that all subdivision maps be signed by Chairman of the Rockland County Drainage Agency before the Rockland County Clerk will accept same for filing.
8. The following agencies do not object to the Town of Orangetown Planning Board assuming responsibilities of lead agency for SEQRA purposes:
  - Town of Orangetown Zoning Board of Appeals
9. The applicant shall comply with all pertinent items in the Guide to the Preparation of Subdivision Plats prior to signing the final plans.
10. All reviews and approvals from various governmental agencies must be obtained prior to stamping of the Subdivision Plan.

**PB #10-45: McGee Resubdivision Plan; Final Resubdivision Plan Approval  
Subject to Conditions/Neg. Dec.**

**Town of Orangetown Planning Board Decision  
October 13, 2010  
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11. The following note shall be placed on the Subdivision Plan:

**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. 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.

12. 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.

**PB #10-45: McGee Resubdivision Plan; Final Resubdivision Plan Approval  
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**Town of Orangetown Planning Board Decision  
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**13.** Prior to the commencement of any site work, including the removal of trees, the applicant shall install the soil erosion and sedimentation control as required by the Planning Board. Prior to the authorization to proceed with any phase of the site work, the Town of Orangetown Department of Environmental Management and Engineering (DEME) shall inspect the installation of all required soil erosion and sedimentation control measures. The applicant shall contact DEME at least 48 hours in advance for an inspection.

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

**15.** If the applicant, during the course of construction, encounters such conditions as flood areas, underground water, soft or silty areas, improper drainage, or any other unusual circumstances or conditions that were not foreseen in the original planning, such conditions shall be reported immediately to DEME. The applicant shall submit their recommendations as to the special treatment to be given such areas to secure adequate, permanent and satisfactory construction. DEME shall 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, and 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; Kevin Garvey, aye; Andy Stewart, aye; William Young, aye; John Foody, absent; 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: October 13, 2010  
Town of Orangetown Planning Board**



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

**PB #10-45: McGee Resubdivision Plan; Final Resubdivision Plan Approval  
Subject to Conditions/Neg. Dec.**

**Town of Orangetown Planning Board Decision  
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This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Regulation) of the Environmental Conservation Law.

The PLANNING BOARD, TOWN OF ORANGETOWN, as Lead Agency, has determined that the proposed action described below will not have a significant impact on the environment and a Draft Environmental Impact Statement will not be prepared.

**NAME OF ACTION: McGee Resubdivision Plan**

SEQR STATUS: Type I \_\_\_\_\_ Unlisted XXXXXX

CONDITIONED NEGATIVE DECLARATION: Yes \_\_\_\_\_ No XXXXXX

**DESCRIPTION OF ACTION: Final Resubdivision Plan Approval Subject to  
Conditions/Neg. Dec.**

**LOCATION:** The site is located at 101 East Park Avenue, Pearl River, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 68.20, Block 2, Lots 67.2 & 66 in the RG zoning district.

**REASONS SUPPORTING THIS DETERMINATION:**

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

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

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

For Further Information contact:

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

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

**PB #10-46: MetroPCS New York LLC , Collocation of Wireless Telecommunications Facility Plan; Final Site Plan Approval Subject to Conditions / Neg. Dec. (Sparkill)**

**October 13, 2010**

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TO: Anthony Gioffre, III, Esq., Cuddy & Feder, 445 Hamilton Avenue,  
14<sup>th</sup> Floor, White Plains, New York, 10601  
FROM: Orangetown Planning Board

RE: MetroPCS New York, LLC, Plans: The application of Metro PCS New York, LLC, applicant, for John M. Perry Post #1044 of the American Legion, Inc., owner, for Prepreliminary/Preliminary/Final Collocation of Wireless Telecommunication Facility Site Plan Review, for a site to be known as "MetroPCS New York, LLC, Plans", 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 691 Route 340, Sparkill, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 77.16, Block 1, Lot 5 in the LO zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, October 13, 2010**, at which time the Board made the following determinations:

Anthony Morando appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated October 6, 2010
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated October 13, 2010.
3. Interdepartmental memorandum from the Department of Environmental Management and Engineering, (DEME) Town of Orangetown, signed by Bruce Peters, P.E., dated October 12, 2010.
4. A letter from HDR signed by Harvey Goldberg, P.E., dated September 30, 2010.
5. A letter from the Rockland County Department of Planning, signed by Salvatore Corallo, Commissioner of Planning, dated October 7, 2010.

**PB #10-46: MetroPCS New York LLC , Collocation of Wireless Telecommunications Facility Plan; Final Site Plan Approval Subject to Conditions / Neg. Dec. (Sparkill)**

**October 13, 2010  
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6. Letters from the Rockland County Department of Highways, signed by Joseph Arena, Principal Engineering Technician, dated October 4, 2010.
7. Letters from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated October 23, 2010.
8. A letter from the Rockland County Drainage Agency, signed by Shajan S. Thottakara, P.E., dated October 20, 2010.
9. A letter from Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer, dated October 1, 2010.
10. A letter from the Town of Orangetown Zoning Board of Appeals, signed by William Mowerson, dated September 27, 2010.
11. Site Plans prepared by Tectonic Engineering, dated May 19, 2009, revised August 4, 2010:
  - T-1: Title Sheet
  - A-1: Site Plan, Site Details and Notes
  - A-2: Elevation and Equipment/Slab Plan
  - A-3: Equipment Sections and Details
  - A-4: Antenna Plan and Details
  - A-5: Notes
12. A letter from Cuddy & Feder, dated August 18, 2010, signed by Anthony Gioffre III, with attachments.
13. A letter from Cuddy & Feder, dated September 30, 2010, signed by Anthony Gioffre III, with attachments.
14. A copy of a letter to Anthony Gioffre, III, from the Office of the Town Attorney, Town of Orangetown, signed by Robert V. Magrino, Deputy Town Attorney, dated October 4, 2010.

The Board reviewed the plans.

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

**PB #10-46: MetroPCS New York LLC , Collocation of Wireless Telecommunications Facility Plan; Final Site Plan Approval Subject to Conditions / Neg. Dec. (Sparkill)**

**October 13, 2010  
Page 3 of 10**

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

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

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 Cuddy & Feder, Tectonic Engineering, Pinnacle Telecom Group, 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 the Zoning Board of Appeals and having heard from the following involved and interested agencies: Rockland County Department of Planning, Rockland County Department of Highways, Rockland County Drainage Agency, Rockland County Department of Health and Rockland County Sewer District No. 1 and having reviewed a proposed Site plan by prepared by Tectonic Engineering, 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, absent; William Young, aye; Jeffrey Golda, aye and Kevin Garvey, aye the Board made a Negative Declaration pursuant to SEQRA.

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

1. The following note shall be placed on the Site Plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a meeting."

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2. The following note shall be placed on the Site Plan regarding Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.
3. The Short Environmental Assessment Form appears to be order.
4. The Antenna Site FCC RF Compliance Assessment and Report of the August 18, 2010 Cuddy and Feder document indicate the calculated cumulative RF level at street level is well below the compliance standard. This can be found on page 4 of Exhibit E.
5. The Site Plan scale is not correct. Please correct.
6. The Applicant proposes to construct additional antennas on the existing 151-ft high monopole, and associated additional ground based equipment cabinets within a 10-ft x 20-ft fenced compound. The equipment cabinets will be placed on a concrete pad that will be surrounded by gravel surfacing. Drainage information has not been provided.

By themselves, the construction of a monopole, small equipment cabinets, shelters, transformers and pads do not significantly increase the impervious area of the site (assuming an impervious area increase less than 400-SF). Based on the current proposed plans, runoff from the proposed site development should not increase significantly. **However, if a number of carriers lease space in the compound for similar installations in the future, each with less than a 400-SF increase in impervious area, the increase in runoff may be insignificant when taken individually, but may be significant when combined together. Under such situations, The Planning Board's Drainage Consultant recommends that each Applicant sharing the facility provide storage for the runoff generated from its own equipment and facilities.**

Typically, the Drainage Consultant allows the Applicant to store the additional runoff in a stone filled perimeter trench surrounding the concrete pad, provided the surrounding area is level.

A future equipment shelter by Verizon is shown on the Plans. It should be noted that a separate application must be submitted to the Planning Board for any future additions.

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**Continuation of Condition #6....**

Based on its review of the submitted plans, the Consultant believes that the proposed development will not have a significant impact on drainage and therefore recommends acceptance for drainage subject to the following conditions:

- Provide calculations to demonstrate that there will be a “zero” net increase in runoff rate from the concrete slab under a 24-hr, 100-yr Type III storm (7.5-in of rain in 24-hrs). The calculations should provide for storing 80% of the total runoff in the stone (40% voids) in the perimeter trench, and should be signed and sealed by a N.Y. State P.E. The Planning Board’s Drainage Consultant can be contacted by the Applicant’s Engineer to discuss the calculation method.
- A section detail of the concrete slab drawn to scale is shown on Sheet A-3. We recommend that a stone perimeter trench, sized as needed and filled with stone be added to the slab detail.
- The stone surrounding the concrete pad as shown on Sheet A-4 shall be a minimum of 6-in thick, not 2-in.
- Additional conditions may be added based on response to these conditions.

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

- If 1000 square feet or more of land area will be disturbed, prior to any grading or construction on site, a soil and erosion control plan shall be developed that meets the New York State Guidelines for Urban Erosion Control.
- There shall be no net increase in stormwater runoff and the site shall achieve a zero net increase in peak runoff rates for the 100 year design storm.

**8.** The Rockland County Highway Department has reviewed the plans and information provided and found that the proposed action should have no foreseeable adverse impact upon county roads in the area.

**9.** The Rockland County Department of Health reviewed the plans and based on the information provided, there are no Rockland County Health Department approvals needed in association with this application.

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**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 required based upon its review of the information provided.

**11.** 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.

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

- Rockland County Department of Highways
- Rockland County Department of Health
- Rockland County Drainage Agency
- Rockland County Sewer District #1
- New York State Department of Transportation
- Town of Orangetown Zoning Board of Appeals

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

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

**15. 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



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**Continuation of Condition #15....**

must be violated, one of the following methods must be employed to mitigate the impact: (1) 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. (2) Light Impacts Only – Installation of  $\frac{3}{4}$  inch of plywood or boards, or equal over the area to be protected. The builder or its agent may not change grade within the tree protection zone of a preserved tree unless such grade change has received final approval from the Planning Board. If the grade level is to be changed more than six (6) inches, trees designated to be preserved shall be welled and/or preserved in a raised bed, with the tree well a radius of three (3) feet larger than the tree canopy.

**16.** 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.

**17.** 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.

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

**19.** 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).

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

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

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

**Override**

The Board made a motion to override Conditions #1 and #2 of the October 7, 2010 letter from Rockland County Department of Planning, signed by Salvatore Corallo, Commissioner of Planning, for the following reasons:

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

The Board held that the proposed project is a collocation and the installation of additional antennas on an existing structure will have no impact.

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

#2. A review shall be completed by the Palisades Interstate Park Commission and any concerns addressed.

The Board held that the proposed project is a collocation and the installation of additional antennas on an existing structure will have no impact.

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

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

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: October 13, 2010  
Town of Orangetown Planning Board**

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

**PB #10-46: MetroPCS New York LLC , Collocation of Wireless  
Telecommunications Facility Plan; Final Site Plan Approval Subject to  
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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: MetroPCS New York LLC, Collocation of Wireless  
Telecommunications Facility Plan; Final Site Plan Approval Subject to  
Conditions**

SEQR STATUS: Type I \_\_\_\_\_ Unlisted XXXXXX

CONDITIONED NEGATIVE DECLARATION: Yes \_\_\_\_\_ No XXXXXX

DESCRIPTION OF ACTION: Collocation of Wireless

Telecommunications Facility Plan; Final Site Plan

LOCATION: The site is located at 691 Route 340, Sparkill, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 77.16, Block 1, Lot 5 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 #10-47- TOWN OF ORANGETOWN PLANNING BOARD DECISION;  
Ramsay Subdivision Plan – Request for the 1<sup>st</sup> 90 Day Extension to file  
Subdivision Plat with Rockland County Clerk’s Office**

**October 13, 2010  
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TO: Jay Greenwell, PLS, 85 Lafayette Avenue, Suffern, New York, 10901  
FROM: Orangetown Planning Board  
RE: Ramsay Subdivision: The application of Kevin Ramsay, owner, for a Request for the First 90 Day Extension to File the Subdivision Plat at the Rockland County Clerk’s Office for a subdivision to be known as “Ramsay Subdivision”, 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 110 Sparkill Avenue, southeast corner of the intersection of Sparkill Avenue and William Street, Sparkill, Town of Orangetown, Rockland County, New York and as shown on the Orangetown Tax Map as Section 77.08, Block 5, Lot 33 in the RG zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, October 13, 2010**, at which time the Board made the following determination:

Jay Greenwell appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated October 6, 2010.
2. An interdepartmental memorandum signed by John Giardiello, P.E., Director of the Office of Building, Zoning and Planning Administration and Enforcement, Town of Orangetown, dated October 13, 2010.
3. An interdepartmental memorandum signed by Bruce Peters, P.E., Department of Environmental Management and Engineering (DEME), Town of Orangetown, dated October 12, 2010.
4. PB #10-17, Final Subdivision Approval Subject to Conditions, dated April 28, 2010.
5. A letter from Jay Greenwell, PLS, dated September 27, 2010.

The Board discussed the 90 Day Extension to file the Subdivision Plan.

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 and seconded by William Young and carried as follows:

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

**DECISION: In view of the foregoing, the Board GRANTED 1<sup>st</sup> 90 Day Extension in time to file the Ramsay Subdivision with the Rockland County Clerk’s Office.**

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

The Clerk of 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 this Office of the Planning Board.

**Dated: October 13, 2010**

**Town of Orangetown Planning Board**

