

**Meeting of October 26, 2011
TOWN OF ORANGETOWN PLANNING BOARD**

MEMBERS PRESENT:

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

MEMBERS ABSENT: Robert Dell

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

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

New Items:

Nolan Monument Site Plan Final Site Plan Review 74.07/1/7; CC zoning district	Final Site Plan Approval Subject to Conditions	PB #11-48
Bailey's Smoke House Resubdivision Plan Prepreliminary/Preliminary/ Final Resubdivision Plan and SEQRA 70.14/4/5 & 6; CS zoning district	Continued: Review Site Design	PB #11-49
Bailey's Smoke House Site Plan Prepreliminary/Preliminary Site Plan and SEQRA 70.14/4/5, 6 & 7; CS zoning district	Continued Review Site Design	PB #11-50
Moritz Funeral Home Amendment to Approved Site Plan Prepreliminary/ Preliminary/ Final Site Plan Amendment and SEQRA 77.11/1/34; C0 zoning district	Final Approval Subject to Conditions/ Neg. Dec.	PB #11-51
155 Corporate Drive Site Plan Final Site Plan 73.15/1/18 and 73.19/1/1; LIO zoning district	Postponed to November 9th Meeting	PB #11-52
155 Corporate Drive Internal Commercial Subdivision Plan Final Internal Commercial Subdivision Plan 73.15/1/18 and 73.19/1/1; LIO zoning district	Postponed to November 9th Meeting	PB #11-53

**October 26, 2011
Planning Board Meeting**

Other Business: Town Board Referral - Application of FB Orangetown, LLC, to Amend Special Permit for Orangeburg Commons Mixed-Use Development of Property Located at the Intersection of State Route 303 and the Palisades Interstate Parkway, Town of Orangetown: Tax Map Designation: Section 74.15, Block 1, Lot 21; Zoning District LI, Route 303 Overlay Zone.

The Orangetown Planning Board had no objection to the Town Board acting as Lead Agency on the application of FB Orangetown, LLC, to Amend the Special Permit. A motion was made and moved by John Foody and seconded by William Young and carried as follows: Kevin Garvey, aye; Bruce Bond, absent; Andy Stewart, absent; John Foody, aye; William Young, aye; Robert Dell, absent and Jeffrey Golda, aye.

The decisions of the September 26, 2011 Planning Board Meeting was reviewed, edited and approved. The motion for adoption was made and moved by Jeffrey Golda and seconded by William Young and carried as follows: Robert Dell, absent; Kevin Garvey, aye; Bruce Bond, absent; Jeffrey Golda, aye; John Foody, aye; Andy Stewart, absent and William Young, aye.

The decisions of the October 12, 2011 Planning Board Meeting was reviewed, edited and approved. The motion for adoption was made and moved by Jeffrey Golda and seconded by John Foody and carried as follows: Robert Dell, absent; Kevin Garvey, aye; Bruce Bond, absent; Jeffrey Golda, aye; John Foody, aye; Andy Stewart, absent 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 Bruce Bond and agreed to by all in attendance. The meeting was adjourned at 9:30 p.m. The next Planning Board meeting is scheduled for November 9, 2011.

**DATED: October 26, 2011
Town of Orangetown Planning Board**

PB #11-48: Nolan Monument Site Plan– Final Site Plan Approval Subject to Conditions

Town of Orangetown Planning Board Decision

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TO: Jay Greenwell, 85 Lafayette Avenue, Suffern, New York 10901
FROM: Orangetown Planning Board

RE: Nolan Monument Site Plan: The application of Nolan Monuments, applicant, for 508 Route 303 Realty, LLC, owner, for Final Site Plan Review for a site to be known as “Nolan Monument Site Plan”, in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21A of the Code of the Town of Orangetown. The site is located at 508 Route 303, Orangeburg, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 74.07, Block 1, Lot 7 in the CC zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, October 26, 2011**, the Board made the following determinations:

Jay Greenwell and Dan Nolan appeared and testified.

The Board received the following communications:

1. 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 26, 2011.
2. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., October 20, 2011.
3. A letter from the Rockland County Department of Planning, signed by Thomas B. Vanderbeek, P. E., Commissioner of Planning, dated October 20, 2011.
4. A letter from the Rockland County Department of Highways, signed by Joseph Arena, Principal Engineering Technician, dated October 18, 2011.
5. A letter from the Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated September 20, 2011.
6. A letter from the Rockland County Department of Health, signed by Brian K. Hunderfund, Sr. Environmental Health Specialist, dated September 28, 2011.
7. A letter from the New York State Department of Transportation, signed by Mary Jo Russo, P.E., Rockland County Permit Engineer, dated October 24, 2011.
8. Plans prepared by Jay Greenwell, PLS, LLC:
 - Site Plan, dated July 7, 2010, revised August 12, 2011
 - Details, dated, July 7, 2010, revised, April 6, 2011
 - Planting & Lighting Plan, dated December 30, 2010, revised July 30, 2011

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9. Copies of Board Decisions: ACABOR #11-30, Approved with Conditions, dated September 8, 2011, ZBA #11-40, Special Permit Approved, dated June 1, 2011 and PB #11-13, Preliminary Site Plan Approval Subject to Conditions, dated March 9, 2011.

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

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

1. The following note shall be placed on the site plan: “At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a Pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a Meeting.”
2. Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations
3. The applicant shall comply with all pertinent and applicable conditions of all previous Board decisions: ACABOR #11-30, Approved with Conditions, dated September 8, 2011, ZBA #11-40, Special Permit Approved, dated June 1, 2011 and PB #11-13, Preliminary Site Plan Approval Subject to Conditions, dated March 9, 2011.

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4. The applicant shall provide documentation demonstrating that the current plan either proposes a zero increase in impervious area or a reduction in impervious area.

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

- The concerns expressed in the August 2, 2011 letter from the New York State Department of Transportation (NYSDOT) shall be addressed and any required permits obtained.
- As indicated in the October 18, 2011 letter from the Rockland County Drainage Agency, this agency is prepared to issue the permit required for this project, pursuant to the bonding requirements noted in the letter.
- All existing monitoring and/ or drinking water wells must be shown on the Site Plan. The applicant must provide documentation that any New York State Department of Environmental Conservation (NYSDEC) sites have either been closed, or that all proposed site development plans have been reviewed and approved by the NYSDEC. If any of the existing wells (drinking water or monitoring wells) will no longer be used following the proposed site development, a formal notation on the approved plans must specify that the wells will be decommissioned in compliance with Article II of the Rockland County Sanitary code. Furthermore, this work must be done in accordance with the terms of a well decommissioning permit that must be obtained from the Rockland County Department of Health.
- In regard to the abandonment of the septic tank, a review shall be completed by the Rockland County Health Department and any required permits obtained.
- There shall be no net increase in peak rate of storm water discharge from the site.
- Fields of illumination from proposed on-site lighting sources shall not extend beyond the property line onto the state road.
- The signage and landscaping plans shall meet all Town requirements.
- 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 proposed plans shall comply with the Route 303 Overlay Zone to the extent applicable.

PB #11-48: Nolan Monument Site Plan– Final Site Plan Approval Subject to Conditions

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6. The Rockland County Department of Health has reviewed the plans for the Nolan Monument/ Stormwater Facility and at this time grant approval for compliance with Article 19 of the Rockland County Sanitary Code, Mosquito Control Code.
7. The Rockland County Department of Highways reviewed the material provided and found the proposed action will have no foreseeable adverse impact upon County roads in the area.
8. Based upon the Rockland County Drainage Agency (RCDA) evaluation of available mapping and information submitted, it has been determined that the proposed activity is within the jurisdiction of the RCDA. Therefore, a permit from the RCDA pursuant to Chapter 846, Rockland County Stream Control Act, is required. Accordingly, a permit from the RCDA pursuant to the Rockland County Stream Control Act, Chapter 846, is required.
9. The Town of Orangetown Fire Prevention Bureau had the following comments:
 - In regard to the new use at 508 Route 303, an NFPA 72 compliant Fire Alarm System with plans signed and sealed shall be approved by the Bureau prior to the start of construction.
 - Emergency lighting shall be required.
 - Portable Fire Extinguishers shall be required in accordance with NFPA 10.
 - A Key Box shall be provided.
 - No parking in front of the building. The Site Plan shall be revised.
10. The New York State Department of Transportation has reviewed the revised plans, dated August 12, 2011 and do not have any comments. The plans as shown have been approved for permit processing.
11. The applicant shall comply with all pertinent items in the Guide to the Preparation of Site Plans prior to signing the final plans.
12. All reviews and approvals from various governmental agencies must be obtained prior to stamping of the Site Plan.
13. **TREE PROTECTION:** The following note shall be placed on the Site Plan: The Tree Protection and Preservation Guidelines adopted pursuant to Section 21-24 of the Land Development Regulations of the Town of Orangetown will be implemented in order to protect and preserve both individual specimen trees and buffer area with many trees. Steps that will be taken to reserve and protect existing trees to remain are as follows:

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Continuation of Condition #13...

- 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.

14. 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.

15. Prior to the commencement of any site work, including the removal of trees, the applicant shall install the soil erosion and sedimentation control as required by the Planning Board. Prior to the authorization to proceed with any phase of the site work, the Town of Orangetown Department of Environmental Management and Engineering (DEME) shall inspect the installation of all required soil erosion and sedimentation control measures. The applicant shall contact DEME at least 48 hours in advance for an inspection.

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

17. 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).

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

19. 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

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

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

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

Dated: October 26, 2011

Town of Orangetown Planning Board

PB #11-51: Moritz Funeral Home Amendment to Approved Site Plan: Final Approved Subject to Conditions/ Neg. Dec.

Town of Orangetown Planning Board Decision

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TO: Jane Slavin, R.A., 25 Greenbush Road, Orangeburg, New York 10962
FROM: Orangetown Planning Board

RE: Moritz Funeral Home Amendment to Approved Site Plan: The application of Peter Dankiewicz, owner, for Prepreliminary/ Preliminary / Final Amendment to Approved Site Plan Review, at a site known as "**Moritz Funeral Home Amendment to Approved 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 98 Route 303, Tappan, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 77.11, Block 1, Lot 34 in the CO zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **October 26, 2011** at which time the Board made the following determinations:

Jane Slavin and Walter Dankiewicz and Peter Dankiewicz appeared and testified.

The Board received the following communications:

1. 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 26, 2011.
2. An interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated October 20, 2011.
3. A letter from Rockland County Department of Planning, signed by Thomas B. Vanderbeek, P.E., Commissioner of Planning, dated October 21, 2011.
4. Letters from the Rockland County Department of Highways, signed by Joseph Arena, Principal Engineering Technician, dated October 7, 2011.
5. A letter from Rockland County Sewer District No. 1, signed by Joseph LaFiandra, Engineer, dated October 12, 2011.
6. Letters from Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated October 3, 2011.
7. An interdepartmental memorandum from the Bureau of Fire Prevention, signed by Michael B. Bettmann, Chief Fire Inspector, dated September 26, 2011.
8. A letter from the New York State Department of Transportation, signed by Mary Jo Russo, P.E., Rockland County Permit Engineer, dated October 25, 2011.

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9. A letter from the Town of Orangetown Zoning Board of Appeals, signed by William Mowerson, Chairman, dated October 5, 2011.

10. A Short Environmental Assessment Form signed by Peter Dankiewicz, dated September 15, 2011.

11. An Amended Site Plan prepared by Robert Sorace, PLS, dated January 29, 1999, last revised September 6, 2011.

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 William Young and second by John Foody and carried as follows:

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

The proposed action is classified as an “unlisted action” as defined by Section 617.2 (ak) of the New York State Environmental Quality Review Regulations (SEQRR). No agency, other than the Orangetown Planning Board will have any significant involvement in the review process, pursuant to Section 617.6 of SEQRA. On motion by Andy Stewart and seconded by William Young and carried as follows: Kevin Garvey, aye; Bruce Bond, aye; Andy Stewart, aye; William Young, aye; Robert Dell, absent; John Foody, aye and Jeffrey Golda, 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 Robert Sorace, PLS, and Jane Slavin, R.A., and having heard from the following offices, officials and/or Departments: (Town of Orangetown): Office of Building, Zoning, Planning

**PB #11-51: Moritz Funeral Home Amendment to Approved Site Plan:
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Administration and Enforcement and Department of Environmental Management and Engineering; and having heard from the following involved and interested agencies: Town of Orangetown Zoning Board of Appeals, New York State Department of Transportation, Rockland County Department of Highways, Rockland County Department of Health, Rockland County Sewer District #1, and having reviewed a proposed Site Plan by prepared by Robert Sorace, PLS, last revision date of September 6, 2011, 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 Andy Stewart and seconded by John Foody and carried as follows: Kevin Garvey, aye; Bruce Bond, absent; Andy Stewart, aye; Robert Dell, absent; John Foody, aye; William Young, aye; and Jeffrey Golda, 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 AMENDMENT TO THE APPROVED SITE PLAN SUBJECT TO THE FOLLOWING CONDITIONS:

**PB #11-51: Moritz Funeral Home Amendment to Approved Site Plan:
Approved Subject to Conditions/ Neg. Dec.**

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

2. 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 original Site Plan amendments were approved by the Planning Board Clerk for filing on April 8, 2000. This newest Site Plan amendment has added a Canopy over the front entrance, paver walkway and a 1,000 gallon seepage pit under the paved parking area.

4. The original Site Plan amendments had a proposed Fire Lane along the front entrance of the building. The applicant has now removed the proposed Fire Lane on the new Site Plan drawing. Please clarify this with the Town of Orangetown Fire Inspector.

5. The Short Environmental Assessment Form appears to be in order.

6. Drainage calculations for the proposed 1,000 gallon drywell, prepared and sealed by a New York State Licensed Professional Engineer, shall be submitted to DEME for review and approval.

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

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

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

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Continuation of Condition #7....

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 Site Plan shall meet any applicable requirements of the Route 303 Overlay Zone.

The landscaping treatment shall be extended in front of parking spaces 4 through 7 in order to prevent lights from cars on the site from shining towards State Route 303.

Map Note #6 shall be revised to refer to New York State General Municipal Law Section 239L & M.

8. Application is to be made to the Rockland County Department of Health for review of the Stormwater Management system for compliance with the County Mosquito Code.

9. The Rockland County Highway Department finds the proposed action will have no foreseeable adverse impact upon the County Highway System.

10. 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.

11. The Town of Orangetown Fire Prevention Bureau had the following comments in regard to the new construction of an addition and site plan change:

Apply for and maintain a Certificate of Compliance Fire Safety with the Town of Orangetown Fire Prevention Bureau.

Install an NFPA 72 compliant Fire Alarm System connected to Rockland County 44 – Control, transmitting in Contact ID Format.

Add portable Fire Extinguishers according to NFPA 10.

Install Emergency Lighting as per NEC.

Install Key Box

Maintain a minimum a 20' wide clearance around building for Emergency Vehicles

Allow No Parking on the North Side of the expanded building

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12. The New York State Department of Transportation (NYSDOT) has reviewed the revised plans, dated August 12, 2011 had the following comments:

The plans show the driveway layout being modified to 2 one way driveways. While the conceptual design appears to be acceptable, adequate details have not been provided to provide comments on the actual proposed layout. The following information shall be provided to NYSDOT:

- a. Existing and proposed driveway widths
- b. Existing and proposed driveway radii
- c. Sight distance
- d. Existing and proposed grading and drainage
- e. Landscaping

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

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

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

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

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

- a. No construction equipment shall be parked under the tree canopy.
- b. There will be no excavation or stockpiling of earth underneath the trees.
- c. Trees designated to be preserved shall be marked conspicuously on all sides at a 5 to 10 foot height.

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Continuation of Condition #16...

d. The Tree Protection Zone for trees designated to be preserved will be established by one of the following methods:

- One (1) foot radius from trunk per inch DBH
- Drip line of the Tree Canopy. The method chosen should be based on providing the maximum protection zone possible. A barrier of snow fence or equal is to be placed and maintained one yard beyond the established tree protection zone. If it is agreed that the tree protection zone of a selected tree must be violated, one of the following methods must be employed to mitigate the impact:
 - Light to Heavy Impacts – Minimum of eight inches of wood chips installed in the area to be protected. Chips shall be removed upon completion of work.
 - Light Impacts Only – Installation of $\frac{3}{4}$ inch of plywood or boards, or equal over the area to be protected.

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

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

18. Prior to the commencement of any site work, including the removal of trees, the applicant shall install the soil erosion and sedimentation control as required by the Planning Board. Prior to the authorization to proceed with any phase of the site work, the Town of Orangetown Department of Environmental Management and Engineering (DEME) shall inspect the installation of all required soil erosion and sedimentation control measures. The applicant shall contact DEME at least 48 hours in advance for an inspection.

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

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20. If the applicant, during the course of construction, encounters such conditions as flood areas, underground water, soft or silty areas, improper drainage, or any other unusual circumstances or conditions that were not foreseen in the original planning, such conditions shall be reported immediately to DEME. The applicant shall submit their recommendations as to the special treatment to be given such areas to secure adequate, permanent and satisfactory construction. DEME shall investigate the condition(s), and shall either approve the applicant's recommendations to correct the condition(s), or order a modification thereof. In the event of the applicant's disagreement with the decision of DEME, or in the event of a significant change resulting to the subdivision plan or site plan or any change that involves a wetland regulated area, the matter shall be decided by the agency with jurisdiction in that area (i.e. Wetlands - U.S. Army Corps of Engineers).

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

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

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

Override

The Board made a motion to override Condition #5 of the October 21, 2011 letter from Rockland County Department of Planning, signed by Thomas B. Vanderbeek, Commissioner of Planning, for the following reasons:

Condition #5: The lighting plan must be revised to show fields of illumination and to demonstrate that no light shall shine into the state road right of way.

The Board held that the applicant needs to apply to NYSDOT and meet all requirements prior to obtaining a permit from the New York State Department of Transportation, including lighting and landscaping within the state right of way.

**PB #11-51: Moritz Funeral Home Amendment to Approved Site Plan:
Approved Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision
October 26, 2011
Page 9 of 9**

A motion to override the condition was made and moved by Jeffrey Golda 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, aye.

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

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

Dated: October 26, 2011
Town of Orangetown Planning Board
attachment

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

**PB #11-51: Moritz Funeral Home Amendment to Approved Site Plan: Final
Approved Subject to Conditions/ Neg. Dec.**

**Town of Orangetown Planning Board Decision
October 26, 2011**

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: Moritz Funeral Home Amendment to Approved Site Plan

SEQR STATUS: Type I _____ Unlisted XXXXXX

CONDITIONED NEGATIVE DECLARATION: Yes _____ No XXXXXX

DESCRIPTION OF ACTION: Amendment to Approved Site Plan

LOCATION: The site is located at 98 Route 303, Tappan, Town of Orangetown, Rockland County, New York, and as shown on the Orangetown Tax Map as Section 77.11, Block 1, Lot 34 in the CO 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